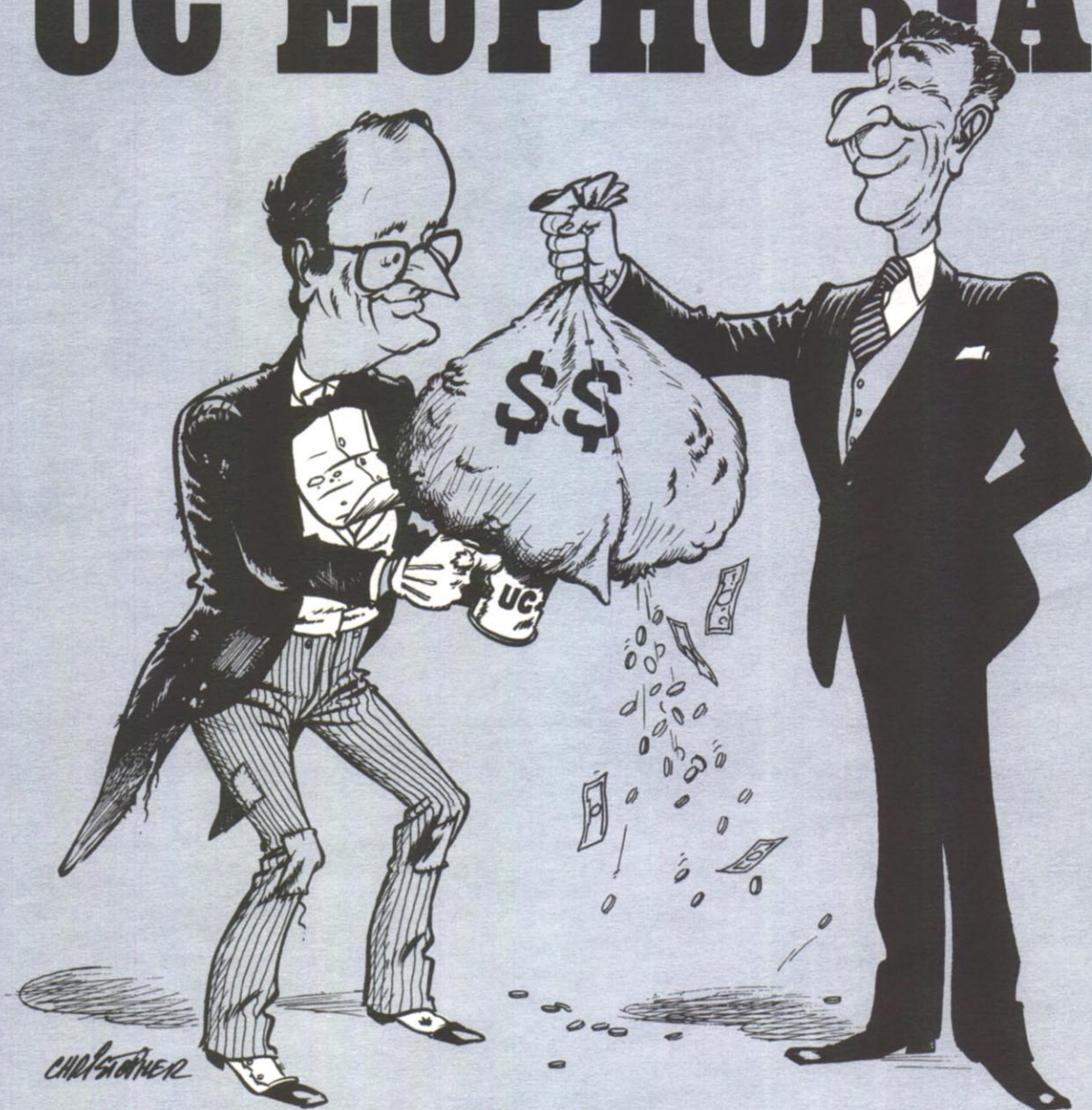


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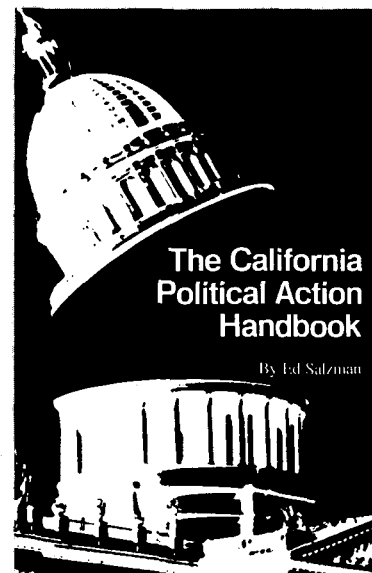
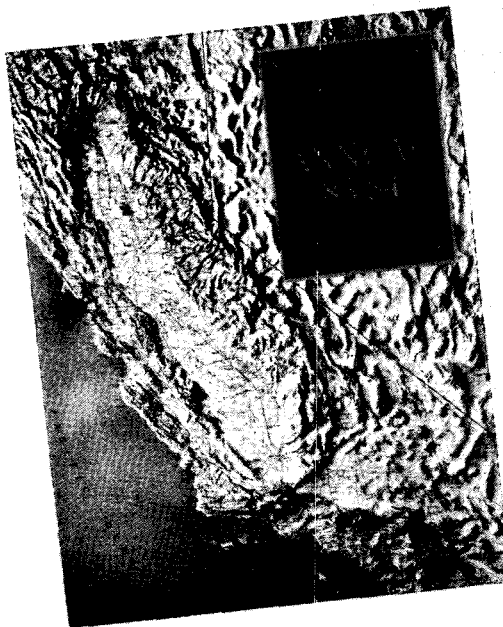
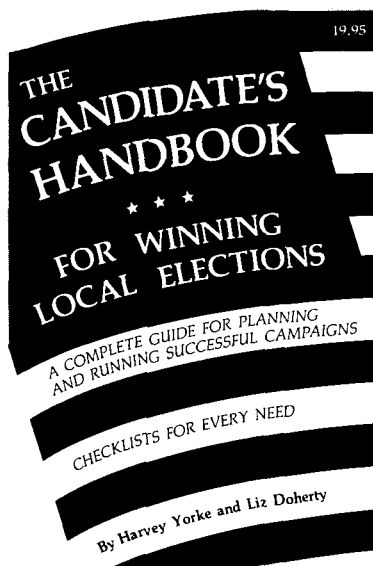


VAN de KAMP AND THE STRANGLER

A SECRETIVE COMMISSION DRAWS FIRE

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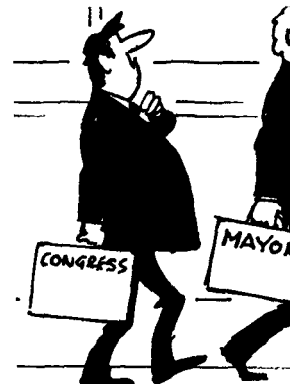
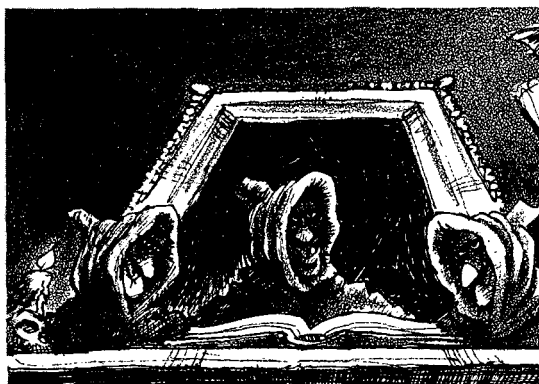
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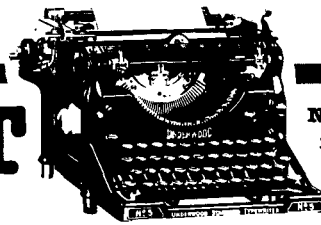
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UP FRONT



Notes and Items
from Contributors
and the Journal Staff.

One of the capital's more unusual lawsuits began in January when the lobbying firm of A-K Associates accused two former employees of having lured away clients for themselves while still on A-K's payroll. A-K is asking for damages totalling \$1.25 million from the employees, Carlyle Brakensiek and Bill Dohring (now doing business as AdvoCal). Says A-K partner J. Michael Allen, "People working for you shouldn't be able to use your resources (wages and inside information) to undermine your business." Brakensiek says the clients involved — California Society of Industrial Medicine and Surgery, Burger King and Cooperative of American Physicians — were his before he went to work for A-K back in July 1981 and voluntarily followed him to AdvoCal. Stay tuned.

Want to be a big shot at the Democratic convention next July? A mere \$100,000 will do it. San Francisco's Host Committee, headed by former California Democratic Chair Nancy Pelosi, is out peddling "convention host" designations for one hundred big ones. Your money buys access to convention sessions, the opportunity to sponsor a "major" social or business event for delegates and use of the convention logo in your advertising (the official candy bar of . . .). And it's all tax deductible. Why so? Because the Host Committee is not directly affiliated with the Democratic Party but is an adjunct to the city and county of San Francisco. After all, "hosting" a convention is considered a philanthropic gesture. Pelosi says she's already lined up 20 "hosts" and is hoping for 30 more. What happens to the money? Most goes toward the \$3 million the city pledged to the party when it bid for the convention. What's left over may be spent for a voter-registration drive among minorities, she says.

(Richard Bergholz, Los Angeles)

As a relic, it will never rival a piece of the true Cross, but it is an inspiration to officeholders nonetheless. It is the white tablecloth upon which the late Congressman Phil Burton first set forth his plan to reapportion California's congressional districts. As gerrymanders go, the Burton plan was a work of art, one that was to cost Republicans six seats. Burton produced the marvel in 1981 at the Madison Hotel in Washington, D.C., during a dinner for state legislators and con-

gressmen. Late in the evening, after many drinks and at the urging of Republican Assemblyman Bob Naylor, Burton unsheathed his felt-tipped pen (blue) and drew his proposed district lines through wine stains and bread crumbs. Although the multitudes were awed, the hotel manager was not only unimpressed but demanded payment for what he thought was a ruined tablecloth. Martha Gorman, once an aide to Burton and now a lobbyist for the California Medical Association, paid the \$8 and took the cloth home. But now she has passed it on. During ceremonies at a dinner recently, she handed it over to Naylor.

Republicans in Los Angeles County may find a less popular place to hold their next fund raiser, hints party official Gregory O'Brien. Seems their recent bash at Jimmy's Restaurant in Beverly Hills attracted a few notable Democrats — national party chair Charles Manatt (who crashed the affair) and prez hopeful Senator Alan Cranston (who didn't). How about an all-night diner in Oxnard?

Mystery of the Month: Jerry Rankin, reporter for the *News-Press* in Santa Barbara, recently asked the Fair Political Practices Commission in Sacramento for one of its studies. A few days later Rankin got a hefty envelope from the FPFC. Inside, he found statements explaining the FPFC study — and a 200-page personnel report from the Phoenix office of the U.S. Department of Housing and Urban Affairs (HUD). The report had been destined for HUD's regional office in San Francisco, but all it got was an empty envelope from Phoenix. The FPFC says it mailed the study Rankin requested. Rankin has since requested another copy — and expects to receive construction plans for the MX missile.

The best way to tell that a titanic struggle is underway in the Legislature is to look at the names and numbers of lobbyists involved. When you have George Steffes, Winner/Wagner and Donald Kent Brown working together, former Brown administration staffers Terri Thomas and Jim Neff lending a hand and Joe Cerrell's firm doing publicity for them all, you know that big bucks are at stake. In this case their cause was the

latest effort by G.D. Searle Company to get a bigger piece of California's \$1.2 billion a year eyeglass business. Searle through its Pearle Vision Centers subsidiary, wants to build a chain of eye clinics throughout the state but has been blocked by a law that favors independent optometrists. Stoutly defending the optometrists' cause were Chuck Olser of the California Medical Association, the California Dental Association, the Teamsters, and a number of others who support such protective laws. Doing publicity for their side was The Hannaford Company whose general manager is Dennis C. Revell, son-in-law of President Reagan. When the dust settled recently, the optometrists' law remained intact. But don't look for the struggle to end. There are at least a dozen big-time lobbyists who haven't been called.

Who, you ask, would pony up \$175 (plus tax and shipping) to buy a copy of the governor's 10-pound, 2200-page budget?



Just about anyone, says Ray Lenard, superintendent of the Legislative Bill Room. As of February 1st, nearly 700 copies had been sold, mostly to state agencies, local governments, lobbyists, libraries and an occasional private citizen. The largest single order — 13 copies — went to a state agency, but Lenard wouldn't say who needed the extra doorstops.

George Nicholson, former top official of the state Justice Department and 1980 Republican candidate for attorney general, is scheduled to head a new public school support organization for Pepper-

ine University. To be called the National School Safety Center, the new agency will lead and coordinate efforts across the nation to reduce campus crime and violence. Plans call for a Sacramento headquarters, a staff of 35 and two-year financing with \$4.25 million in federal funds.

Democratic congressmen Howard Ber- man and Mel Levine wanted him to run, and a poll taken for him showed he could win. But state Senator Gary Hart of Santa Barbara decided not to challenge five-term GOP Congressman Robert Lagomarsino in the south coastal 19th District. "I just went through nine months of 18-hour campaign days (in 1982 against Charles Imbrecht)," explains Hart. "To do that again isn't fair to my family." Not that he has ruled out a try for Congress someday. If the 57-year-old Lagomarsino retires, Hart might reconsider. Of course, since some expect Imbrecht to step in when Lagomarsino steps out, that sets up a potentially expensive and gruelling rematch between Hart and Imbrecht who is now chairman of the California Energy Commission.

(Kevin Riggs, Santa Barbara)

Everyone needs a lobbyist these days. Even the Repository for Germinal Choice, the San Diego County sperm bank where high IQ is necessary to reposit one's genes. Recently, lobbyist John Knox helped derail a bill (AB1011) that would have required the bank to record the names of donors so that an offspring might someday find out and appear at the donor's door. The repository says its business would be ruined. One wonders why an offspring would care.

The League of Conservation Voters and the Sierra Club want to send their members as delegates to the Democratic National Convention this summer. But since potential delegates must win a convention seat in the June primary — and since slates of delegate-candidates are nominated by the various presidential campaigns — the two groups are urging members not to identify themselves as environmentalists when volunteering to work for a Democratic candidate. According to Lucy Blake of the League, campaign pols look upon her ilk as "flaming purists" more interested in a coastline than a Cranston. To get to San Francisco in July, she tells members, say your only interest is in the candidate's success.

(Bob Aldrich, Sacramento)

Sid Mandel, information officer for the State Board of Equalization, learned recently that some members of the Capitol press corps will publicize anything that comes across their desks. On January 13th, Mandel sent out a "memo" to reporters that board chairman Richard Nevins would be honored in a "surprise ceremony" — on January 19th. Word of the pending surprise was immediately broadcast over a Sacramento radio station.

Walter Zelman, head of California's branch of Common Cause, says his group is making common cause with the Institute of Politics at USC to conduct public opinion polls. He says they want to know more about popular attitudes toward government. They also hope that other groups will help share the costs in return for having a few questions of their own included in each Common Cause-USC poll.

Chief Justice Rose Bird warns that ever-increasing court fees are driving civil lawsuits beyond the range of the middle class. In a recent speech before the State Bar, Bird said that because local governments are strapped for funds, fees have tripled in recent years, creating pay-as-you-go courts. Middle income litigants are most affected, she said, because fees are often waived for the poor and the rich don't care. Few state officials seem concerned, however. The governor failed to mention the problem in his State-of-the-State address, and the State Bar has not taken a position. In the Legislature, eight fee bills were introduced last year and not one suggested a cut.

(Robert P. Studer, Sacramento)

There seems to be a general belief that Paul Gann's latest initiative, the one to reform the Legislature, requires a 30 percent cut in the Legislature's spending on itself. But that isn't true. Even with Gann on the books, lawmakers could spend more on themselves next year than ever before. What Gann says is that the amount of money that the Legislature budgets for itself next fiscal year (84-85) shall be reduced by an amount equal to 30 percent of this year's spending. Since this year's spending is expected to run about \$113 million, the cut should equal about \$34 million. The problem is that the Legislature hasn't written a final version of its 84-85 budget yet and doesn't have to until after the initiative goes before voters in June. Thus, if the measure passes, lawmakers could increase their

budget by, say, \$50 million, thus allowing them to make the required \$34 million cut and still have more money than before. Although that could be an unwise political action, there is nothing in the initiative to prevent it.

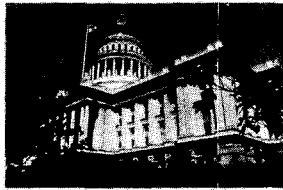
Capitol lobbyist Donald Carlton Burns has just been elected president of the lobbyists own lobbying group, the Institute of Governmental Advocates. Burns, who represents the spa and pool industry, State Farm Insurance and more, says IGA mostly lobbies the Fair Political Practices Commission, trying to reduce the complexity of reports that the commission wants lobbyists to file.

Assemblyman Ross Johnson says it all happened because he decided a few months ago to shave off his beard. As he looked into the mirror without his protective foliage, he suddenly realized that he was fat. The shock was so great that he went out and dropped 58 pounds bringing himself down to 181. Johnson says he gained weight in the first place because of all those cocktail parties and dinners that legislators attend. "I'm enough a child of the depression that you put the food in front of me and I'll eat," he says.

For legal junkies who care about such things: As of December 1, 1983, there were 1341 judges in California, classified as follows: seven on the Supreme Court; 77 in Courts of Appeal; 655 in Superior Courts; 515 in municipal courts; and 87 in justice courts. (Information courtesy of the Commission on Judicial Performance 1983 report to the governor.)

Did Democrats do Republican Don Sebastiani a favor by making him an electoral target this year? Sources close to the famous (or infamous) author of the Sebastiani reapportionment plan say that they did. The Democratic heat, the sources say, will generate more campaign money for Sebastiani and make him stronger for a run at statewide office in 1986. Could be. But we doubt that even a fearless Sebastiani wouldn't prefer to be running unopposed.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. We pay up to \$25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814.



Capitol review

February 10, 1984

When you look at all the media attention given to the nasty words that flew lately between Governor Deukmejian, Senate President Pro Tem Dave Roberti and Assembly Speaker Willie Brown, you'd almost think that a Republican governor and the leaders of the Legislature's Democratic majority are supposed to get along. That they don't should be no great surprise. In fact, if the three ever became great chums, that's when the public (liberals and conservatives) should be alarmed.

This doesn't mean that the Capitol reporters who chronicled every bark and bite wasted their time. As every good journalist knows, one piece of invective is worth a thousand words of issue-oriented prose. Also, although no one should expect the three leaders to get along, the governor's willingness to present his grievances publicly was something new for him. If nothing else, his action added some color to the self portrait that he — like every officeholder — is forever creating. And, being the buttoned-down person that he is, a bit of color here and there can do no harm.

Going Public

Deukmejian went public during his news conference January 31st in response to a question about his relationship with Roberti. But by the time he was done, he had covered both Roberti and Brown, accusing them of having misled him, of making nasty comments about him and of generally refusing to be civil towards him. However, his heavier attacks were aimed at Roberti and centered on the latter's leadership role in the Senate's refusal January 3rd to confirm Michael Franchetti as Director of Finance. (See Capitol review last month.)

If the governor's words affected the speaker and the president pro tem, it didn't show. At the state Democratic Party's mid-term convention in Oakland February 4th, both went on as before and tickled the crowd with new attacks on the governor. Brown, who has publicly called the governor a "horse's ass," suggested that Deukmejian doesn't know what he's doing. Roberti said nothing personal was intended but Democrats won't take "the patriarch's" orders from on high.

But a peace of sorts was nevertheless restored. Having planned a dinner for the governor for several weeks, the Senate went ahead on February 6th and all involved appeared to enjoy themselves. Deukmejian offered a conciliatory toast to the group, shook hands with Roberti and danced with the senator's wife, June.

Even Franchetti may not have done too badly from it all. After the Senate denied him confirmation, he moved to a job on the governor's staff to clean up details on Deukmejian's 1984-85 budget proposal. But with that

work done, he left to open the private law practice with his wife that they long have planned. In a press release March 8th, the governor's office gave the firm's name (Franchetti and Franchetti), said it had temporary offices in Sausalito and would be opening permanent offices in downtown San Francisco about March 1st. What attorney ever began business with better publicity and signs of better connections to the administration of the nation's largest state?

The round of combat came after Deukmejian and the Democrats compromised their months-old battle over funding for community colleges. On January 26th, the governor signed a bill that gave him the \$50 per semester student fee that he wanted for the 106 campus system, but with provisions that will prevent an increase for the next three years, will incorporate 10 existing fees, will exempt welfare recipients and will provide \$15 million for needy students. The bill also included \$96.5 million in additional state funding.

As last year's session came to a close, Assembly Democrats blocked legislation that would have given the community colleges additional funds in return for the fees. During an angry debate, Speaker Brown declared that education was the cornerstone of his heritage, "And free it will be forever." Brown voted against this year's compromise bill but did not speak against it.

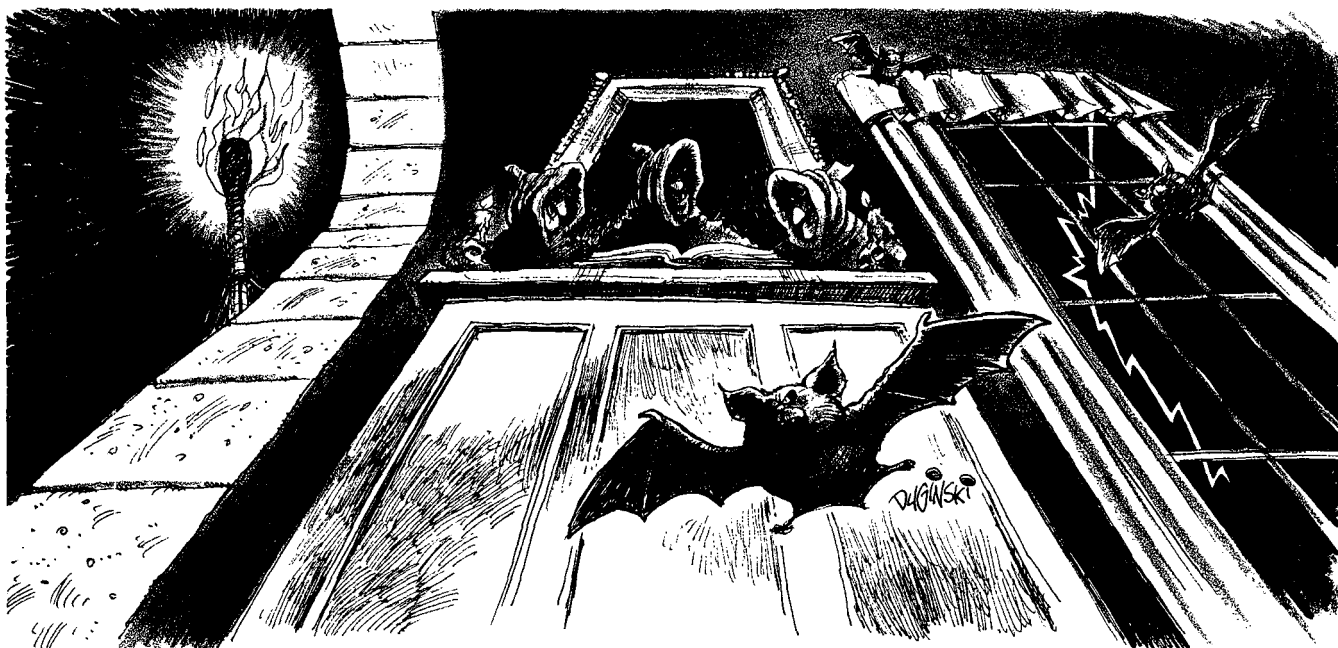
The governor also won one January 23rd when Senate Republicans, with a boost from rural area Democrats, confirmed former Assemblyman David Stirling as chief counsel of the Agricultural Labor Relations Board. As United Farm Workers president Cesar Chavez looked on, the upper house voted 25-11 to confirm. Later, Chavez, who had tried to block the confirmation, said the union would be dedicating itself to "doing something" about the rural Democrats who went with Stirling.

Roast

And then there was the California Roast, the scorching of the governor February 1st before more than 850 dinner guests, all for the benefit of the Coro Foundation and (ahem) this magazine. Senator Bill Campbell was a witty master of ceremonies, creating a tough act to follow for the other roasters, Attorney General John Van de Kamp, State Treasurer Jess Unruh and Public Utilities Commissioner Bill Bagley. But all did well. However, the show was stolen by the governor's wife, Gloria, the previously unnamed mystery roaster who appeared at the end to disclose that her husband gives her tools for presents and disdains the family dogs. The governor responded humorously and with no denials. The two beneficiaries expect to net a total of \$40,000 to \$45,000.

Robert Fairbanks

Tainted by leaks, charges of bias, secretive panel investigated by Bar



By CAROL R. BENFELL

It's a highly secretive, tightly knit commission almost unknown outside the legal profession, but its decision can make or break the career of an aspiring lawyer or judge and affect the administration of law in the state for years to come.

It is the 25-member Commission on Judicial Nominees Evaluation (JNE). It is an arm of California's officially sanctioned legal fraternity, the State Bar, and it is supposed to make private recommendations to the governor on who is fit, or not fit, for appointment as a judge.

But rocked by recent complaints of political bias and leaks, the JNE (called "Jennie" by its friends) is now the subject of an internal investigation by the Bar — the first since the Bar began examining potential judges 40 years ago. The investigation was ordered after *The Sacramento Bee* broke a story last July that George Nicholson, Republican candidate for attorney general in 1982, had been found unfit to be a judge.

Outraged by the finding and by the commission's leak (the story quoted commission sources), Nicholson filed a \$1 million claim against the Bar, a necessary step before going to court. Generally, he contends that commission members hide bias and political favoritism behind a cloak of confidentiality. More specifically, he charges that one or

more of them violated the law, damaged his professional reputation and violated his right to privacy.

Nor is Nicholson alone with his charges. In 1982 a prominent attorney was rated well-qualified for a superior court slot by the commission. He was not appointed, however, and later that year ran unsuccessfully against an incumbent judge.

Flip-flop

In 1983, after his name was submitted by the new governor, the attorney was rated unqualified. He claims the evaluation was unfair because the lead evaluator on the commission team that examined him the second time was a staunch supporter and heavy cash contributor to the judge he had run against. He was subsequently evaluated a third time and reapproved by the commission.

A municipal court judge nominated by the governor for a recent superior court opening was also found not qualified. One of her evaluators had supported her opponent in the preceding election and, she says, told her then, "You don't deserve to be on the bench."

The attorney and the judge mentioned above asked not to be identified, as did most of the judicial candidates interviewed for this story. They said they hoped to be considered for judgeships in the future and feared commissioners would vote them down if they criticized the commission in print.

Two people near the top of the judicial ladder who would speak for attribution were Justices Armand Arabian and

Carol R. Benfell is a reporter for The Oakland Tribune.

Joan Dempsey Klein of the Second District (Los Angeles) Court of Appeal.

Arabian, a Superior Court judge for 17 years, was first named to the Court of Appeal in 1980 by Lieutenant Governor Mike Curb who was acting governor for a few days while Jerry Brown was out of town. Curb, a Republican, wanted to embarrass Brown and promote his own chances for the governorship by raising Arabian, who was popular among conservatives, to the appellate level. During the court battle that ensued when Brown returned, the JNE found Arabian unqualified.

A hatchet job

"Clearance by the commission would have allowed Curb to resubmit my name when Brown left town again," Arabian charges. "It was a political hatchet job. They found me unqualified to put matters to rest."

In 1983, when Arabian's name was resubmitted by Governor George Deukmejian, the commission found Arabian not only qualified, but well-qualified, for the job.

"I still don't know what happened the first time," says Attorney General John Van de Kamp. Van de Kamp is one of three members of the Commission on Judicial Appointments which either confirms or rejects the governor's appellate appointees after screening by the JNE.

Van de Kamp says he tried to pry information from the commission on what Arabian had done to change the rating in the three-year interval but was turned down on the basis of commission confidentiality.

"We worked backward to try to find out what the trouble was about," Van de Kamp says. "We found only one case — a controversy about some statements Arabian made berating a defendant, which someone might have looked at as a racial or ethnic slur. I must say, that if this was the basis of his disqualification, a great injustice was done."

"The keepers of due process do not use it," says Justice Joan Dempsey Klein. "There are deficiencies to the point people are calling the commission a star-chamber proceeding."

Judge-of-the-Year

Klein was a municipal court judge when her name was submitted to the Bar for evaluation in 1970. She was found not qualified. In 1973, after winning the Municipal Court Judge-of-the-Year award, she went on to win election to the Superior Court by 250,000 votes. In 1978 the JNE found her exceptionally well qualified to sit as a justice on the Court of Appeal.

"I think I was found not qualified in 1970 because I was a woman, one of the few on the court at that time who was not an establishment model," Klein says. "I think I was perceived as someone the establishment didn't want to give additional power."

The State Bar Board of Governors began informally evaluating candidates for the trial courts in 1943, at the request of Governor Earl Warren. In 1978, because of increasing workload and time pressure, the Board created the JNE in a process that has been unkindly compared to cloning. Each member of the Board — 19 attorneys elected by their fellow lawyers and six public members appointed by the governor — simply selected one person to represent him or her on the commission.

In 1980, after the Curb/Brown/Arabian appointment battle, then-Assembly Speaker Leo McCarthy authored legislation to formalize the JNE role.

AB197, signed into law by Governor Jerry Brown, requires a governor or acting governor to consult the JNE before appointing a judge for either the trial or the appellate bench. The commission has 90 days to make a recommendation, after which the governor may announce his

appointment. The governor is not bound by the commission's report, but the commission may embarrass him by making the report public if he appoints a candidate it has rated unqualified.

Commission members are still appointed by the Bar board on an each-one, pick-one basis, but the 1980 law requires that the commission's total makeup reflect the sexual and ethnic composition of the state. The requirement leads to "a certain amount of horsetrading" at appointment time, according to a Bar source. Commission members serve as volunteers without pay for one-year terms. Commission expenses, such as postage, photocopying, and travel — an average \$85,000 a year — are paid by the State Bar out of lawyers' dues.

Confidentiality

The law mandates complete confidentiality in the evaluation process except for the commission's final recommendation, which is to be given only to the governor. Even the nominee is not supposed to know the specific reasons he was approved or disapproved. Confidentiality serves two purposes: It protects the commission's sources of information from a vindictive nominee and protects the nominee from public embarrassment.

"How could a lawyer possibly come forth with candid criticism of a sitting judge if he had to go back before the judge the next day?" State Bar president Dale Hanst asked rhetorically. "Confidentiality is the price we pay to have the system at all. If we opened up the process, there would be no process."

The process begins when the governor submits a nominee's name to the commission and an evaluation team is selected. The team is composed of a lead evaluator (preferably from the same geographical area as the nominee) and one additional commissioner if the nomination is for the trial bench; two additional if for the appellate bench. A team member is expected to disqualify himself if he has a conflict of interest — a business or personal relationship with the nominee or a bias or prejudice against him.

The team, under the direction of the lead evaluator, then mails out at least 75 questionnaires to "representative members of the Bench and Bar" who know the candidate. Often as many as 150 to 200 questionnaires go out, according to Alden Danner, outgoing chairman of the JNE.

Recipients of questionnaires are asked to assess the candidate in 22 different areas on a six-point rating scale. The areas include such things as judicial temperament, trial experience, integrity, administrative ability, stability and health. The recipient is also asked to note any character trait or personal habit of the candidate which might render him or her unsuitable for a judgeship.

Hearing

When the questionnaires are returned and tallied, the candidate is asked to appear at a hearing at which he or she is closely questioned by the team about adverse responses on the questionnaires. The team couches its questions in the broadest possible terms to protect the source of its information. Typical questions are, "Do you think you are biased against minorities?" "Are you arrogant?" "Do you have integrity?"

Nominees are given no advance notice of the questions to be asked and are not allowed to submit material in their defense after the hearing is over. "There's no way to respond to questions like that. All a candidate can do is deny it (wrongdoing)," says Fred Marler, a Sacramento Superior Court judge and president of the California Judges Association.

Marler says the Judges Association has serious concerns about the essential fairness of the process because of the

past experiences of some of its members. "We are concerned that some very excellent people are being dinged. There is no oversight and no appeal," he says.

After the hearing, the evaluation team weighs the candidate's responses against the criticisms it has received and makes an oral recommendation and report to the full commission at the next executive meeting. A vote is taken



BAXTER



DANNER

and a one-page recommendation sent to the governor who then notifies the nominee of the results.

A nominee is rated on a four-point scale — "exceptionally well qualified," "well qualified," "qualified" and "not qualified." The commission also gives the governor a sentence or two of explanation for the recommendation, but it is expressed in very general terms such as "lacks judicial temperament" or "needs experience."

The governor's office would like to know more, according to Marvin Baxter, Deukmejian's appointments secretary. Baxter says he would like to raise the possibility of having a governor's representative at commission deliberations.

"The commission talks about a great deal of evidence — about comments from individuals and questionnaires. They open up the whole background of the individual for examination. But all we receive is a one-page evaluation basically telling us how many commissioners voted for what rating and a one-paragraph blurb that's supposed to explain the reason for the rating," Baxter says. The governor could make better decisions about judicial candidates if he had more information, he adds.

Hanst defends the commission's track record. There is scarcely a handful of complaints, he says, out of nearly 900 evaluations conducted in the past three years. He is also convinced that none of the evaluations has been tainted by bias "although I've got to admit some of the cases don't look so good."

Hanst readily admits that an evaluator could shade the team's findings if he wanted to. "There's nothing to prevent that." But there are certain checks built into the system as a safeguard, he continues. One evaluator on a team may be unconsciously biased, but with two- or three-person teams the bias will not slip through. Furthermore, other commission members grill the evaluation team on its findings during the discussion before the final vote, Hanst notes. In a few instances, a candidate has received a new evaluation just because there was an appearance of bias, Hanst concludes.

JNE Chairman Alden Danner shares Hanst's views. "In

every case where I've seen (bias) claimed, there has actually been a bend-over attempt by the evaluator to avoid bias," he says.

A problem of appearance

Danner thinks the problem is one of appearance. "Commissioners go in there thinking they can be fair," he says. "It's very important for the State Bar to develop some rules so commissioners have a sensitivity when they might appear as biased. It's a sensitivity issue as much as anything else."

Both Danner and Hanst deplore the leak that occurred in candidate Nicholson's case, but Hanst thinks the media was more to blame than the commission. "I don't believe anybody deliberately leaked to anybody. There's tremendous pressure put on individual commissioners by reporters calling. It bothers me the news media would do it," he says.

Any commissioner who deliberately leaks information could be removed from office and subjected to criminal penalties — as would any public official who revealed information from closed executive sessions, he said.

Hanst says he knows of no other leaks of candidates' ratings except Nicholson's. However, several candidates told *California Journal* they learned they had been found unqualified from fellow judges (not on the commission) and, in one case, from a political opponent.

Also, persons submitted by the governor for evaluation often see their names in print before the evaluation is complete. In January, for instance, *The Bee* disclosed that Deukmejian had submitted the name of his former law partner as one of three possible appointees to the State Supreme Court. However, it's doubtful that many attorneys resent having it known that they are under consideration for a judgeship. And because the commission sends out so many questionnaires for an evaluation, it's doubtful that the leak of a name could be prevented, in any case.

Internal investigation

Although Hanst vigorously defends the commission's record, one of his first acts after taking office as president of the State Bar in September was to call for a wide-ranging review of all commission procedures. "I'm confident actions of that committee are as honest and straightforward and fair as that collection of people can make them," he says. "But I know we've got to communicate that to the people, the Legislature and the governor so they can have that confidence. The integrity of the whole system depends on the collective integrity of the commission."

At Hanst's request, the Bar board of governors created a 10-member investigatory committee of lawyers and laypeople. It will poll a cross-section of nominees who have been through the process, interview lawyers, judges and commissioners, and hold public hearings. The aim is to present a written report to the board in April or May, in time to introduce corrective legislation, if needed.

James Ward, a Riverside attorney and a member of the Bar board of governors, heads the investigating committee. He believes that in the end the commission may need a tune-up, but not a major overhaul. He agrees that the hearing process and the apparent conflicts of interest need to be examined. "I'm not unhappy, I don't see any major problems, but there's nothing that couldn't be made better."

He doubts if the review will result in allowing candidates more opportunity to rebut hearings or challenge evaluations. "It's a question of how much time the state or the Bar can expend on an investigation," he says. "Some people are just not qualified to be judges, but you'll never convince them, and you'll never convince their mothers."



DID VAN DE KAMP DROP THE BALL?

Hillside Strangler's conviction could hurt attorney general's career

By GREG KRIKORIAN and ROBERT FAIRBANKS

When a Los Angeles jury convicted Angelo Buono as the notorious Hillside Strangler last October it handed down a second judgement as well. In effect, it said that one of California's most prominent officeholders had made a bad guess, one that could seriously harm his political career. The officeholder is state Attorney General John Van de Kamp, scion of the wealthy Los Angeles baking family and a likely Democratic candidate for governor.

Van de Kamp's poor guesswork occurred in July 1981. As district attorney of Los Angeles County then, he made a formal motion to dismiss 10 murder charges against Buono, saying that evidence against the suspected killer was not strong enough to win one or more convictions. Shocked by Van de Kamp's action, Superior Court Judge Ronald M. George refused to go along. The case was taken from Van de Kamp and given to state prosecutors who, of course, won the convictions that supposedly were beyond reach.

Although it's easy to criticize Van de Kamp now and say he should have known that convictions could be had, that is not why his critics are so loud. They contend that Buono's crimes were so hideous that a sheer sense of outrage should have propelled Van de Kamp into a trial even if he believed his chances for victory were small.

"Clearly, it was a case that had to go to trial," says Los Angeles Police Chief Daryl Gates, "There are some cases that you cannot dismiss even if you do not have all the evidence before trial that you would like. They are cases that are of such importance to the community that you have to go forward."

Van de Kamp is well aware that the jury's verdict may generate what he calls "negative stories" that could harm his career. "Fine," he says. "That is public life and if something turns wrong, you are certainly there to take responsibility for them going wrong."

In his defense, Van de Kamp has indicated that the convictions resulted from evidence that became available after he decided to drop the case. However, the contention is strongly challenged by the state prosecutors and is undercut by other statements from Van de Kamp himself.

Van de Kamp also notes that dropping the murder charges against Buono would not have set him free. "We had a number of non-homicide counts we were prepared to take to trial and that we felt would result in conviction of Buono to a long term," he explains. There was also a possibility — however slim — that the trial could have produced new evidence to support a murder prosecution later.

A risk of double jeopardy

And, he says, if he had gone to trial and lost, Buono later might have answered other charges with a claim of "double jeopardy" (being tried for the same crime twice) and gone free. "If you are doing your job as I believe I was doing, you try to protect your prosecution and avoid having jeop-



ardy attached to your case to leave open the chance of successful prosecution," he adds.

The case itself was the most bizarre and frightening to hit Southern California since Charles Manson orchestrated the Tate-La Bianca murders in 1969. In fact, some say the Hillside Strangler killings were more frightening. "Manson had people in Hollywood locking their doors. The Strangler made women afraid of men," recalls Sergeant Dudley Varney, one of the Los Angeles detectives who worked the case for six years.

Ten young women and girls, ranging in age from 12 to 28, were kidnapped, raped and strangled between October 1977 and February 1978. They were taken from sleazy areas of Hollywood or safe communities like Glendale. All the bodies were dumped along roads and hillsides north of downtown Los Angeles.

For police, the break came in 1979 when Buono's adoptive cousin, Kenneth Bianchi, was arrested for the murder of two young women in Bellingham, Washington, and told officers of his role with Buono in the Hillside crimes. At the time, Buono was a 46-year-old auto upholsterer in Glendale, cocky and sadistic. In return for a life sentence, Bianchi — then 28 — agreed to testify against him.

But as time passed and as the case moved slowly through various preliminary hearings, Bianchi began changing his testimony, alternately claiming he knew nothing and then recalling the murders in gruesome detail. Furthermore, the two prosecutors that Van de Kamp had assigned to the case, Deputy District Attorneys Roger Kelly and James Heins, had hoped to introduce evidence showing that Buono had been a pimp and brutalizer of women, thus making it easier for a jury to believe that he was a killer as well. But the judge, George, ruled that evidence relating to non-murder crimes could not be introduced. With the case seemingly collapsing about him, Kelly — the chief prosecutor — sent a memo to Van de Kamp recommending

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that the murder charges against Buono be dropped.

Among the first and loudest critics of Van de Kamp's decision was George. In a 36-page-opinion, the judge not only refused to drop the charges but criticized Van de Kamp's office for not considering various pieces of evidence. He could not, he declared, "rubber stamp" the district attorney's decision to abandon the murder prosecution.

Warned by the judge that he (the judge) would give the case to state prosecutors unless Van de Kamp did so himself, Van de Kamp handed it to then-state Attorney General George Deukmejian. Deukmejian, in turn, handed it to Deputy Attorneys General Roger Boren and Michael Nash who reviewed it for two weeks and concluded that the case could be won. Meanwhile, Deukmejian had appointed four veteran prosecutors from outside his department to look at the case also. They, too, thought it could be won. On August 13, 1981, Deukmejian announced that his office would prosecute.

The trial — which was to last two years, cost \$2 million and generate 56,000 pages of testimony — began November 16, 1981. Boren and Nash, who prosecuted for the state, say now that they decided at the start not to pin their case to Bianchi's testimony and to tell the jury that he might lie. "Even if Bianchi was a great witness, he still needs to be corroborated under the law. His word was not enough. So we concentrated on what else we could find pointing to Buono. That's how we approached the case then and that's how we argued it to the jury," recalls Boren (who has since been named a Municipal Court judge by now-Governor Deukmejian).

However, both prosecutors contend that key evidence against Buono was in the district attorney's hands when Van de Kamp decided to drop the case. "We never felt the motion to dismiss was the right decision," says Boren, "There was just so much evidence and the problem really was just getting a jury to absorb it all."

To be sure, Boren, Nash and state investigator Paul Tuleners developed new information during the lengthy trial. But there was enough before, they say, to try Buono and probably get a conviction. "We felt there were several things that ultimately convicted Buono and almost all of that was previously available," Boren says.

The evidence

Specifically, they and others familiar with the case say that major evidence available to Van de Kamp included:

- common ligature marks on the wrists, ankles and necks of nine of the ten victims, indicating that all had been bound and strangled in the same way. Thus, whoever committed one of the crimes could be easily linked to at least eight of the other nine;

- the strangler (or stranglers) had been known to lure victims by posing as police. Buono, a former security guard, had destroyed handcuffs and a badge he once owned;

- the sites of the killings and the locations of the bodies set a pattern with Buono's house and shop at its center; and

- pieces of fiber found on two of the victims were matched through microscopic tests with fibers found in Buono's shop and home. Boren says the fibers were the "cornerstone" evidence. "The match of those fibers already had been done. A report on Wagner (one of the victims) was written in May 1981 and we didn't touch the Strangler case until August," Boren recalls.

Van de Kamp's response to allegations that he ignored good evidence has varied over time. In September 1982, when he was still the Los Angeles County district attorney but was running for state attorney general, his Republican

can opponent, George Nicholson, charged that Van de Kamp dropped the Buono case because of inexperience. Van de Kamp responded, before a State Bar convention in Sacramento, that his judgement would be vindicated. "When the jury comes in in that case, most people will understand," he said.

But when the guilty verdicts came down, Van de Kamp indicated that new evidence had brought the decision. In a statement issued November 18, 1983, three days after the jury brought in its ninth and final murder conviction, Van de Kamp declared himself pleased and gratified by the convictions and added: "The evidence ultimately presented and admitted was stronger and more compelling than that which was available when the case was within the jurisdiction of the Los Angeles County district attorney's office."

However, during an interview for this article, Van de Kamp indicated that "compelling" evidence had been available, but that his staff failed to evaluate it properly. When asked specifically about the matching of fibers found in Buono's shop and on victims' bodies, he said, "From what I've been able to piece together afterwards, neither Roger Kelly (his chief prosecutor), nor Jim Heins (Kelly's assistant) nor Chaleff (defense attorney Gerald Chaleff) — at least at the time we moved to dismiss — understood the value of that evidence. It had not been put together, at least in their minds, as being the compelling evidence that it was, pure and simple."

Also in his defense, Van de Kamp contends that the case against Buono grew stronger with time (an assertion never denied by state prosecutors Boren and Nash.) He notes that later investigations produced new witnesses against Buono, and that evidence from Buono's non-murder crimes was introduced after defense attorneys opened the door through presentation of their case.

Consequences

In all says Van de Kamp, "Our motives were good, they were totally non-political because we were trying to save a murder case. The important thing, if you want to assess someone's strengths or weaknesses, is that I made a basically unpopular decision with the right motives and am willing to take the political consequences."

At the moment, it's impossible to say how Van de Kamp's decision in the Buono case will be rated in months to come. Like his opposition to the death penalty, it probably will figure in his next political campaign — at least.

Meanwhile, some observers, like Bill Farr, veteran courthouse reporter for *The Los Angeles Times*, tend to be sympathetic. "Right or wrong, it took a lot of courage for Van de Kamp to do what he did since he knew he would run for attorney general and had to know someone would make that decision into an issue. That's not to say I agree with his decision. But one thing that can't be done is to conclude that he made a mistake just because the attorney general got a conviction. It was a close call."

But others are not so charitable. Albert W. "Bud" Meloling, one of the four persons from outside the Justice Department who reviewed the case for Deukmejian, says that after reviewing the evidence, he could not believe that Van de Kamp had moved to dismiss. Meloling, a veteran prosecutor in Alameda County, concludes, "I think he dropped the ball very seriously. He got some bad advice. But he should be held responsible. It was his final decision."

Another conclusion came from a law-enforcement official who was close to the case but did not want to be named. "A lot of people in the Los Angeles district attorney's office will tell that they didn't like his style; that he didn't have the heart and soul of a prosecutor. But they will also tell you he is ethical and honest, almost to a fault." 🏠

LA County's Tattoo Removal Project

By A.G. BLOCK

The Tattoo Removal Project — based in Sherman Oaks — is one of the more unique attempts to help some of the state's troubled young people. As the name suggests, it gives juveniles a chance to rid themselves of gang or drug-related tattoos by providing free plastic surgery. Actually, "Project" is a high-sounding name for what is, in reality, a two-person, volunteer effort by Dr. Karl Stein and his attorney-wife, Sandra. (She was appointed in January to the Juvenile Justice and Delinquency Advisory Committee by Governor Deukmejian.)

The Project began in 1981 after Irwin Nebron, then a juvenile court judge in the San Fernando Valley community of Sylmar, noticed that many youths brought before his court had tattoos on their faces and hands. The tattoos, it turned out, identified a youth with a particular gang or drug use (like "M" for smoking marijuana). More important, they were obstacles to rehabilitation. "There was no way for youngsters to turn their lives around with this kind of I.D. on them," says Mrs. Stein. For instance, she explains, a youth with a visible tattoo might have trouble getting a job or even transferring to another school in the "turf" of a rival gang.

So Judge Nebron asked the Los Angeles County Medical Association to find a plastic surgeon willing to remove the tattoos — and do it free of charge. The Medical Association contacted the Steins. "I just couldn't turn them down," says Dr. Stein, who was long active in community affairs.

Dr. Stein performs the surgery — which could, if done privately, cost \$300 or more — two Saturdays each month at Lakeview Medical Center in Lakeview Terrace or at Holy Cross



DR. KARL STEIN



SANDRA STEIN

Hospital in Mission Hills. Mrs. Stein screens applicants and tells them and their parents of the medical implications. Applicants — volunteers all — are referred to the project from public and private sources, including school counselors, courts and probation officers.

Removal

Depending on the size, location and ink used to make the tattoo, they are either cut off, burned off or sanded off. Smaller ones are cut off and the surrounding skin cut and stretched to fill the resultant hole. Larger tattoos are burned away with a laser. But because some patients do not heal well from burns, Dr. Stein sometimes substitutes a small grinder coated with diamond dust. All three procedures require a local anesthetic. Smaller tattoos are usually removed in about half an hour; larger ones can take up to two hours. Those cut or burned off heal in two to three weeks. Those sanded off can take as long as six weeks to heal.

Location of the tattoo is also important, Dr. Stein says. The most common ones are home-made gang symbols found on the hand between the thumb and the index finger. According to Dr. Stein, he must remove these carefully so as not to permanently impair movement of the thumb.

Others are found on the face (tear-drops), forearm or tip of the finger.

Ink also has a bearing on how tough it is to remove a tattoo. The home-made variety is made with india ink, which Dr. Stein says is dense and penetrates deeply into the skin, making it more difficult to remove. Professional tattooers, he says, use a variety of materials and their work tends to fade after several years.

And what about scarring? Dr. Stein says some kind of scar is inevitable, and he adds, "What we do is replace a socially unacceptable deformity (tattoo) with a socially acceptable one (scar)."

Pay-offs

Mrs. Stein says neither she nor her husband receives money for this service, nor do they take a tax deduction for donating professional time. The hospitals provide surgical facilities and, with the Steins, share the cost of materials like cotton and bandages. "We're unfunded and like it that way," she says. "You can't just take in this world. You've got to give as well."

Says Dr. Stein, "The pay-off comes when you see these kids make something out of themselves because they got rid of a tattoo." To date, Mrs. Stein says that the Project has helped about 300 youths. Her husband estimates that as many as 40 percent have "turned their lives around" as a result of what he calls "a simple procedure."

The Steins also established the Foundation for Plastic and Reconstructive Surgery to distribute materials and information on juvenile tattoo removal. Included in those materials is an Emmy-nominated film, "Un-tattoo You," that was donated by a local cable company and is available for showing. The Project is at 4910 Van Nuys Boulevard, Sherman Oaks 91403. 

F&G Chief Carper faces fight in the Senate

By BOB ALDRICH

As if Governor George Deukmejian isn't having enough trouble getting his appointees through the state Senate, a new battle is taking shape over Howard "Don" Carper, the governor's choice as director of the Department of Fish and Game. Carper's appointment has sparked an outcry from conservationists and commercial fishing interests, and both groups are gearing up to defeat him. He is also in trouble because he intervened in a Madera County criminal case involving three friends convicted of shooting doves out of season.



The governor appointed Carper in June 1983, meaning that Carper can serve until June 1984 without Senate confirmation. But if he doesn't get it by then, state law requires that he get out. And a spokesman for Senate President Pro Tem David Roberti says Carper has "serious problems."

Carper, 50, replaces E.C. "Charlie" Fullerton as head of Fish and Game, the department that oversees California's wildlife resources. Many conservationists had hoped that the governor would reappoint the popular Fullerton, who served under former governors Ronald Reagan and Jerry Brown. Essentially, both conservationists and commercial fishermen see Carper as too much the sportsman, interested in the environment only as a place to use a fishing pole or a rifle.

"Carper is an outrageous appointment," says League of Conservation Voters director Carl Pope. "(He is) a man with no sympathy for protecting wildlife, no basic understanding of the complexities of the biological communities he's responsible for managing."

On the commercial fishing side is John J. Royal, executive secretary-treasurer of the Fishermen and Allied Workers Union, ILWU Local 33 in San Diego. In a letter to the Senate Rules Committee, which must vote on the Carper appointment, Royal says, "Mr. Carper knows only one fishing industry, the sports fisherman. The nomination of Mr. Carper to this important government position is akin to nominating a vegetarian to head the Department of Agriculture."

Carper replies

Carper replies that he knows fish-and-game issues. "The majority of people who are hitting me hard," he says, "are people that have not bothered to find out what my back-

ground really is . . . I did not ride into town on a turnip wagon. I've been heavily involved with a state-wide conservation organization for years and have been very active in conservation issues in this state — both from a sportsman and a commercial standpoint. From a legislative position, as well as commission issues and general public education, I do have a little background and a handle on the situation."

Previous to his appointment, Carper owned a sporting goods store in Inglewood for over twenty years and is now the president of a distribution company handling mail-order tools sales and airplane rentals. He is also the vice-president of an aviation-sales-and-repair company as well as a partner in a land-and-livestock company. However, Carper says, effective with his appointment last June he withdrew from active management in all those firms.

Not that he hasn't continued to help his former customers. Last October, Carper intervened on behalf of three hunters convicted for shooting doves out of season. The three — residents of Torrance and customers of Carper's Inglewood gun shop — were fined \$585 each by Chowchilla Judge John DeGroot, who also confiscated their guns. When the three protested the confiscation to Carper, he ordered an aide to write DeGroot, asking that the firearms be returned. The judge complied.

In late January, the Sierra Club and the League of Conservation Voters called for Carper's suspension from office, charging that the DeGroot letter was an abuse of the legal process. Defending it, Carper told *The Sacramento Bee*, "We (the department) wanted to tell the judge we were completely satisfied with the way he handled the case and that we would have no problem if he wanted to return the guns."

Carper has long been supportive of gun owners as evidenced by his involvement over the years with organizations like the National Rifle Association, the California Rifle and Pistol Club, the California Wildlife Federation (which Carper calls a ". . . pro-hunting, pro-gun, conservation and preservation organization . . .") and the California Varmint-Callers Association. He is a founding member of the Hunting Hall of Fame and a past-president of the Los Angeles chapter of the Safari Club International.

Although Carper's detractors have also complained about his lack of professional training in biology or wildlife management, what seems to bother many of them even more is what some call his "cavalier attitude" toward wildlife. In this regard, he wrote a letter on December 5, 1980, to Mifty Trankmann, director of the now-defunct Trinity Wildlife Care Center. Carper, then president of the California Wildlife Federation, was replying to Trankmann's request for funds.

"It is not that we are unable to help," he wrote, "it is that we can't due to our different concepts of life in the big forest. I am sorry that you are reaching the end of your

Bob Aldrich is a freelance writer from Sacramento

resources; however, I suspect that the last raccoon that you tamed and then turned loose, only to starve or get run over, is delighted. At least now the poor critter can die a normal death or continue to live slightly crippled."

When asked about the letter recently Carper replied, "It (the care center) was an idealistically wonderful idea. However, realistically, it was not a good one. I might have made an error in my choice of words in the reply. But, you have to keep in mind that it was written in 1980. I don't know if what I said in 1980 really has much bearing on what my job is now. I was representing an organization with a specific viewpoint then, and now I'm representing the State of California."

Tulare Lake episode

Carper's critics also complain about a more recent action: As director, he approved the poisoning of a San Joaquin Valley waterway to expedite a pumping project being conducted by two of the valley's agribusiness giants — J.G. Boswell Company and Salyer American. The firms were draining flood waters from Tulare Lake basin and in so doing threatened to spread white bass into the Sacramento-San Joaquin Delta. The bass, a predator fish, could wipe out the Delta's all-important salmon fishery. When it was found that several bass were outside a fish screen that was supposed to stop them, Carper ordered the poisoning — which kills all fish —

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to assure that the escapees got no further than a nearby waterway.

Opponents accused Carper of a "shoot-first, ask-questions-later" policy. "That type of reaction comes from them not understanding the entire situation," he replies. "We had reason to believe that the fish were actually planted on the other side of the screen. Using the chemical was the best way to make sure the bass didn't escape north and threaten the other fish in the Delta."

Carper also came under fire last month for allegedly telling the Pacific Marine Fisheries Commission that his solution to competition from Vietnamese refugee fishermen would be to, "put them all in a big boat and sink it." Refugee leaders told the *San Francisco Chronicle* that two members of their community were willing to testify about the incident at Carper's confirmation hearing before Senate Rules this spring. Carper denies making the remark although the charge is one more in a growing list of problems facing Carper when he faces the Senate.

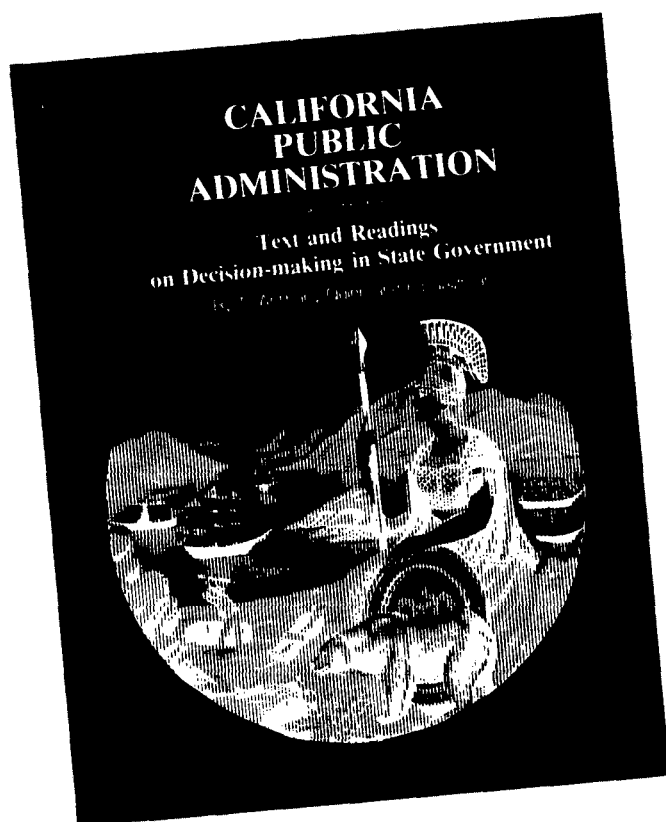
Staffers at the Rules Committee say that committee mail is running against Carper's appointment to the \$49,940-a-year job. However, Carper is lobbying hard to hold his position and seeking support wherever he can. "I can only rely on the wisdom and the integrity of the Senate and the Rules Committee," he says. "I hope they'll assess me based on my performance in office."



From California Journal Press

California Public Administration

by T. Anthony Quinn and Ed Salzman



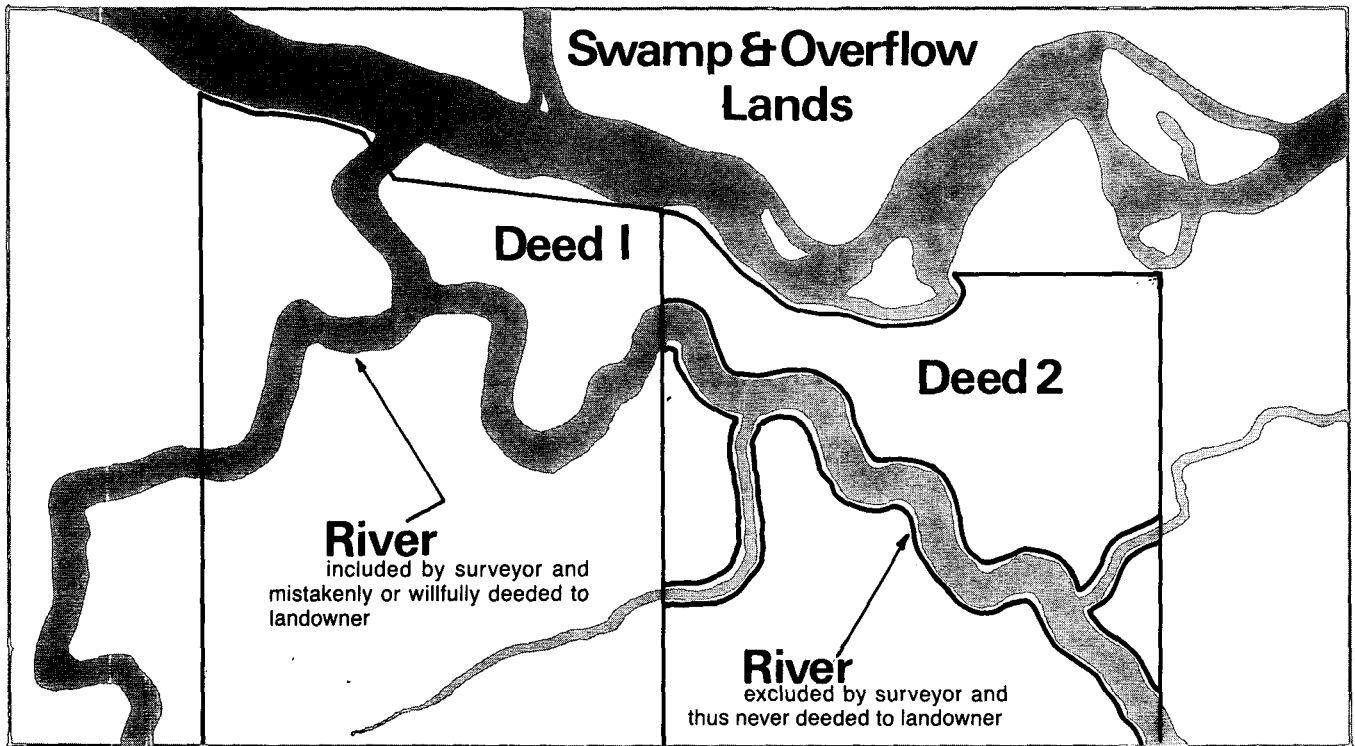
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State sells wetlands in 1855; now wants them back



By WESLEY MARX

In 1855, shortly after California's admission to the Union, the state began an enormous sale of land. For one dollar an acre, the enterprising citizen could buy wetlands of the kind that once rimmed many state waterways like a green, wind-rippled scarf. Often flooded because of high winds or storms, they were regarded as relatively useless "swamp and overflow" territory. What could be better than to sell these watery wastes to persons who would build levees, drain the land and turn it into productive farms? And the buyers came. Some 2.2 million acres were sold.

One would think that this long-ago land sale would have been long since forgotten. Not so. Tainted by greed and corruption, the sale has left a legacy of conflict that continues to this day. Meanwhile, much of this once muddy wasteland has become precious waterfront property, a potential bonanza for landowners and developers. In the battle for its control, millions — if not billions — of dollars in property development is at stake.

On one side is the State of California, contending now that many of the land sales it made a century and more ago were improper, involving land it had no right to sell. Thus, it has been moving slowly over recent years — almost par-

cel by parcel — to lay claims to much of its old property.

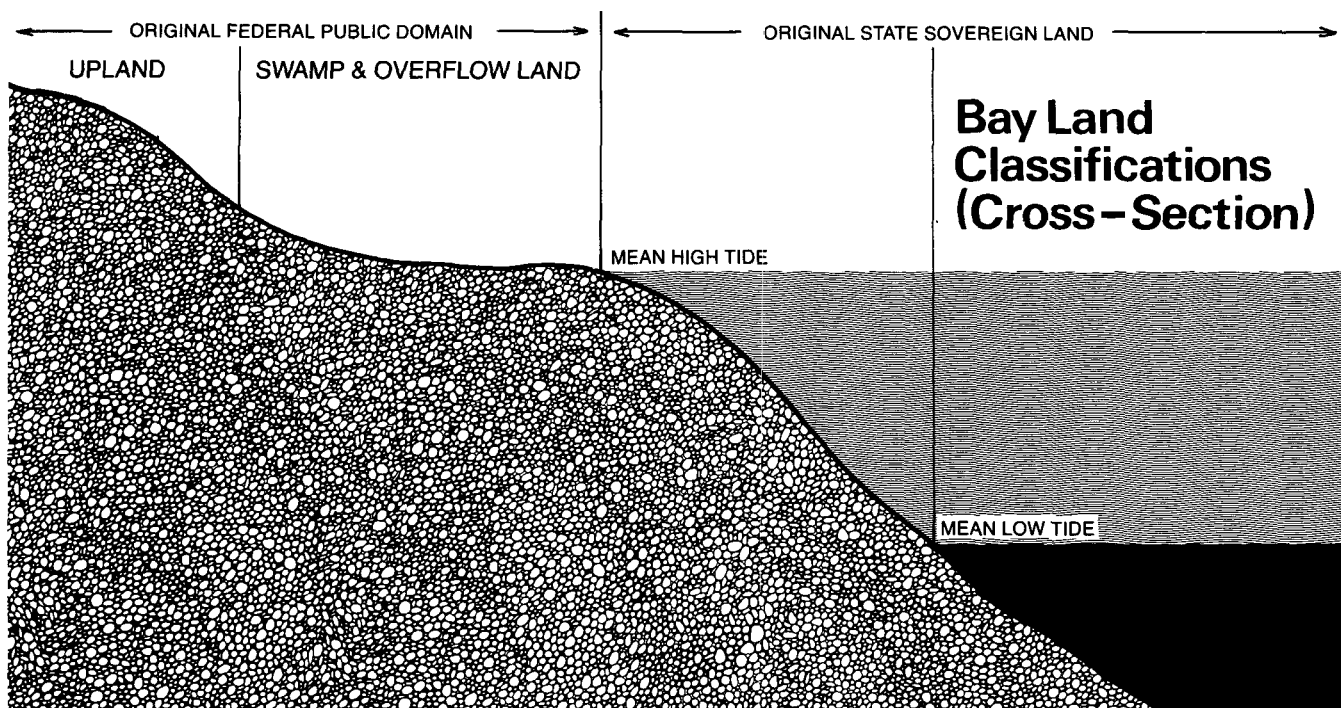
On the other side are the heirs and successors to those who bought the land, some of whom have big plans for its future. They contend that it is unfair and unjust for the state to appear after 100 years to claim property once purchased from the state itself, and upon which they have been paying taxes all this time. Equally embittered are the title insurance companies that have lost a lot of money and stand to lose much more as land titles that they once guaranteed as free-and-clear are clouded by state claims.

Not surprisingly, the Legislature is involved. Carrying a bill for the landowners and title companies is Republican Senator James Nielsen of Woodland, the GOP leader in the upper house. The bill (SB834) would wipe out a majority of state claims by legitimatizing the original sales. State Attorney General John Van de Kamp, one of many opponents, calls the measure a "wholesale giveaway" and "unconscionably poor public policy."

Trust lands

At the core of the dispute is the distinction between swamp and overflow lands, which could be sold, and the state's navigable waterways, which could not. Essentially, the state says that many of the large swamp and overflow tracts that were deeded off to private buyers in the last century included parts of waterways. Thus, the state seeks now to get its waterways back. If that's impossible because the area has been diked and filled, the state will make an exchange. In return for granting a clear title to the current

Wesley Marx, author of *The Oceans: Our Last Resource*, wrote "Offshore oil: A California battleground" for the September 1983 *Journal*.



landowner, it will accept money with which to buy more wetlands or it will accept wetlands elsewhere of equivalent value.

Why can't navigable waterways be sold? Because, under principles of law that go back to Roman times, they belong to the public. (Or, as Emperor Justinian declared in the sixth century: "By the law of Nature, these things are com-

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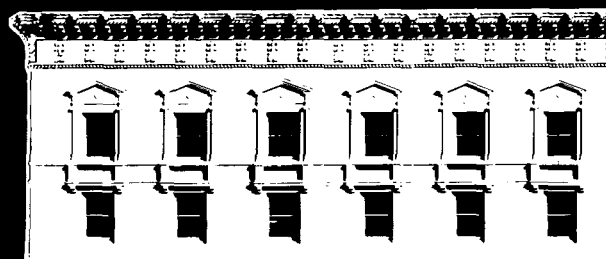
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mon to mankind — the air, running water, the sea and consequently the shores of the sea.") Thus, although government nominally owns all navigable waterways, it is but holding them in trust for public use. As a result, waterways are often called "public trust" lands. (See illustration)

In many cases, trust lands were included in the swamp and overflow sale simply because they could not be identified easily as such. In 1855, for instance, much of the Sacramento-San Joaquin Delta was a freshwater marsh whose water levels rose and fell in concert with tidal action in the connecting San Francisco Bay. Salmon fishermen, beaver trappers and market hunters for elk and waterfowl penetrated this aquatic maze in canoes and sailboats to keep California's gold rush supplied with food and fur. But in such liquid landscapes, it was often difficult to locate the mean high-tide line that divided swampland — which could be sold — from trust lands — which couldn't.

But in other cases, trust lands were sold because buyers were greedy. Planning to build levees and dikes, they wanted as much land as possible within their levee lines and didn't care much whether it was swampland or the bed of a navigable stream. And under the process in use at the time, there were few checks. The potential buyer had only to show a map that designated as swamp and overflowed the area he wanted to purchase.

The map makers were an assortment of federal and county surveyors, some of whom made maps without ever leaving their offices. Some maps reflected a genuine attempt to follow the natural contours of rivers and sloughs. But others were not so discriminating.

As Walter Cook, a retired title lawyer, formerly with the State Lands Commission, reported at the Coastal Zone '83 Conference in San Diego last June, "A portion of San Francisco Bay itself, many major deepwater tidal/navigable sloughs; and the entire bed of the San Joaquin River in one area were included in what were called Swamp and Overflowed Patents." (Patents granted title to the land.)

By 1874 even the State Legislature recognized what was becoming a problem. That year, its Joint Committee on Swamp and Overflowed Lands and Land Monopoly reported:

"Through the connivance of parties, surveyors were appointed who segregated lands as swamp which were not

so in fact. The corruption existing in the land department of the general government has aided the system of fraud . . . There are many acres of land held in this State which are not in fact swamp land, but they have been segregated, listed, and patented as such. Your committee is satisfied, from evidence, that the biggest frauds have been committed in swampland matters in this State but are unable to suggest proper remedies for lack of full information."

No clear policy

And so things stood for about 100 years: recognition of fraud and abuse but no clear policy to deal with it. Furthermore, the land itself was not too far removed from its natural state. True, it was in private hands — but it was still used largely for farming. It was not covered with the streets, subdivisions and other developments that can destroy public access forever.

But, of course, that situation has changed. As California's population has grown, this mundane farmland has become valuable water-oriented residential, commercial and recreational property. Today, for instance, the Sacramento-San Joaquin Delta has the makings of a real estate jackpot.

With over 700 miles of waterways, the Delta shore is longer than the northern and central portion of the California ocean coast. The waters are much warmer and more conducive to aquatic sports. Contrary to the muddy image of most deltas, the California Delta abounds with sandy beaches. This potential aquatic bonanza is situated between two major urban markets — the San Francisco Bay region and the Sacramento area. And there is no Coastal Commission to look over the shoulders of developers. Already over 100 private marinas cash in on the Delta's revenue potential.

But when visions of jackpots dance in developers' heads, conservationists become alarmed. Having lost over 70 percent of California's original wetland to development, they are anxious to protect as much as possible of that which remains. The Delta, for instance, sustains California's migratory waterfowl. Without the Delta there would be no commercial salmon fishery or sport fishery for striped bass in California. If sheer biological productivity rather than vertical scenery had been the major standard, the Delta — not Yosemite — would have been the state's first national park.

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In retrospect, it seems that the first big battle involving these competing forces occurred during the mid-1960's and concerned San Francisco Bay. Conservationists and others, alarmed by the heavy volume of land fills around the Bay — which were significantly reducing the Bay's size — went to the Legislature and eventually won new protections for tide and submerged lands through creation of the Bay Conservation and Development Commission. From that struggle, which was bitterly fought through several legislative sessions, came a new state attitude toward the protection of public trust lands.

At the Capitol, the man most opposed to the state's new attitude — at least, as it affects the old swamp and overflow lands — is Sean McCarthy, executive vice president and lobbyist for the California Land Title Association, a trade group representing the state's title insurance firms. He says property owners and title firms got their first glimpse at this new attitude in 1976 from the State Lands Commission, successor to the very government agencies whose lax practices of a century before helped create today's problem. In a letter to the owners of a Delta island known as the Rindge tract, the commission laid claim to

sizeable chunks of the 6834-acre property, contending that they are the site of former waterways that remain in the public trust.

In the Rindge case, as in others, the state does not seek to make wetlands out of property that is now (and has been for years) diked and dry. Under stringent constitutional provisions, the state may terminate the public trust in a particular piece of property. However, in return for termination, the state wants money or land of equivalent value from owners. According to a 1983 report by the staff of the State Lands Commission, the state has terminated the trust, thereby granting clear title to about \$50 million worth of swamp and overflow land. In exchange, the state has received more than 12,000 acres of wetland elsewhere and more than \$300,000 for wetland purchases. Many of these exchanges have occurred in the San Francisco Bay region, where development and conservation pressures have been most intense.

As might be expected, landowners and title companies see state requests for land and money as little less than extortion. Since banks will rarely, if ever, finance a property sale if land titles are clouded by other claims (and from the State of California, no less), buyers and sellers must either meet the state requirements or abandon whatever development plans they may have. Title companies are caught because — having insured the owner's title years before — they must assume liability in later disputes. At a state Senate hearing in 1977, McCarthy complained, "Hundreds of thousands of dollars have been paid by title entities in litigating and settling claims made by the state against our insureds. In numerous instances, it was believed the state actions were totally unsupportable in law, however, the best interests of our insureds required settlement."

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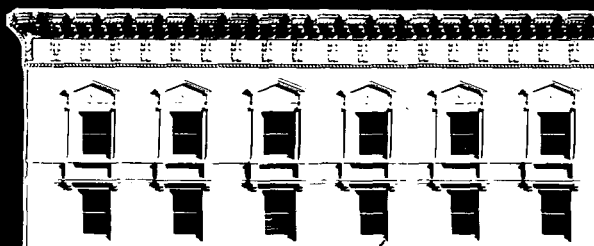
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More recently, McCarthy complained that even greater losses are involved. Not knowing when or where a state claim may arise, title companies cannot provide the full coverage their clients want and therefore are losing business as well. "These clouds on titles create an unstable legal system," he says.

This is not to say that all title companies have been equally harmed. According to state attorneys, some Delta title policies going back to the 1930s limit coverage because of possible sovereign rights to tide and submerged lands within swamp and overflow properties that were to be insured. In 1972 title lawyer Thomas McKnight was warning his colleagues in the *California State Bar Journal* of the need for "deep record research" on coastal and waterfront titles. His article included examples of policy waivers for potential state claims.

The Nielsen bill

Nevertheless, there seems little doubt that a majority of title companies are feeling financial pain and see salvation in the previously mentioned Nielsen bill. Essentially, the measure would relinquish any state claims to lands held through swamp and overflow patents in the Delta region, the Central Valley and the San Pablo and Suisun portions of San Francisco Bay — some 1.7 million acres in all. According to this proposal, the Legislature would find that the original owner's reclamation of wetlands terminated whatever public trust interest may have existed in the property. In title company lingo, this is a "curative" bill designed to "stabilize" titles.

State Controller Ken Cory, who chairs the Lands Commission, vigorously opposes Nielsen's legislative efforts. In a May 1983 "Dear Friend" letter circulated statewide to interested groups, Cory charged "SB834 would erode public rights in existing navigable waterways and wetlands now used freely by fishermen, hunters, environmentalists and the boating public. . . . It is designed to relieve the title insurance industry from potential liability for careless and negligent preparation of title insurance policies." A 1983 Commission report claims SB834 "will result in the loss of public sovereign lands conservatively estimated to be worth no less than \$170,000,000." The Commission believes ten percent of the 1.7 million acres covered in the bill are sovereign lands. This remains an estimate because the state has yet to complete a detailed field survey of this vast area.

In arguing for his bill, Nielsen often refers to the state claims as threats to families that have held their land for generations. However, a 1982 report from the Assembly Office of Research, entitled "Delta Dilemma," said that a "substantial" portion of Delta lands that were acquired through patents now belong to absentee owners, including foreign corporations. In the late 1970s foreign corporations with mailbox addresses in the Netherlands Antilles, Panama, Liechtenstein and Switzerland acquired some 30,000 acres on Delta island tracts for \$48 million. Federal law permits the European owners of dummy corporations to remain anonymous.

Nielsen first carried the title-company bill in 1979 and got it through the Legislature in 1980 — only to have it vetoed by former Governor Jerry Brown. Reintroduced in 1981, it died in the Assembly. Back again in 1983 as SB834, the measure has cleared the Senate and awaits action now in the Assembly Natural Resources Committee. Among its opponents are virtually every major environmental group in the state.

Since Governor Deukmejian's administration is decidedly more sympathetic to development and farming interests, Nielsen would appear to be in a better position to push his bill in 1984. However, Deukmejian's former fi-

nance director, Michael Franchetti, then a member of the State Lands Commission, joined with the other two Commission members, Cory and Lieutenant Governor Leo McCarthy, in unanimous opposition last April to SB834. Although Franchetti acted as an individual and not as an administration spokesman, his position reportedly reflected some administration concerns that the Nielsen bill may be unconstitutional.

In an April 18, 1983, letter to Nielsen, the Attorney General's office wrote, "We recognize the need to clarify the title of those neighboring landowners who have reclaimed adjacent swamp and overflow lands. This bill, however, completely ignores our duty to guard the public trust by simply transferring away public title to private owners, who thereafter may totally exclude the public from enjoying property presently owned by the state."

Earlier, state attorneys argued that the bill conflicts with the stringent constitutional provisions (as laid down by the state Supreme Court) under which the state may terminate the public trust. Under those rules, the parcel must be relatively small and (having been diked and filled, perhaps) no longer able to serve the public's right to use the area for navigation, fishing, commerce or recreation. Also, the termination must be part of an overall plan to further such public rights.

McCarthy replies that the Legislative Counsel has found the Nielsen measure constitutional. Also, he argues, the bill follows a precedent laid down by the state Supreme Court in 1980. In that case (*City of Berkeley vs. Superior Court*), he says, the court terminated the trust in tidelands, which — like the swamp and overflow lands — had been filled in over many preceding years. The court terminated, he says, because the tideland fills had been approved by earlier court decisions. In the swamp and overflow situation, the filling was approved by the Legislature, he argues.

New levees

But even if the Nielsen bill should prove constitutional and become law, the problems — at least for Delta landowners — are not over. For in order to develop their properties, they need more than clear title to the land. They need new levees as well. Originally, the owners paid to dike and flood-proof their reclaimed wetlands, but as costs have risen, the general taxpayer has been called in. (See "Delta decay," *CJ*, July 1983.)

Since 1980 Delta landowners, including the foreign corporations, have received over \$70 million in federal-state funds to cover flood-damage repair. Some \$20 million of this went to Webb Island which is owned by foreign interests and whose market value is less than \$10 million.

But now an even bigger public investment may be on the way. Thanks to voter disapproval of the proposed Peripheral Canal, the state Department of Water Resources has proposed a "through-Delta" plan for delivering more Northern California water to San Joaquin Valley agribusinesses and to the cities of the south. However, the plan would require rebuilding hundreds of miles of Delta levees at a state-federal expense that could run over \$1 billion. Thus, not only would the Delta landowners get the new levees they need, but the levees would have to be maintained henceforth at public expense.

However, legislative opposition to such a benefit could be intense. Senate President Pro Tem David Roberti says, for instance, that plans like that "get my dander up."

Ironically, the water-resources department says that state money for a Delta levee project should come from oil and gas revenues generated by the state's tide and submerged lands, the same public estate that would be reduced by the Nielsen bill. ■

Pete Wilson's first year: low profile, but not invisible

By JAMES R. CARROLL

Republican Pete Wilson ended his first year in the U.S. Senate January 3rd, having established himself as a workmanlike performer who could be a senator for a long time. More than anything else, the 50-year-old former mayor of San Diego sought to avoid the kinds of mistakes that made his immediate predecessors into politically vulnerable media caricatures: Democrat John Tunney, the playboy who would rather vacation than work; and Republican S.I. Hayakawa, the sleeping semanticist.

"We did what we set out to do," says Otto Bos, Wilson's press secretary and a top advisor. "We hit the ground walking and worked hard." And Bos means "walking." No rhetorical pyrotechnics on the Senate floor, no media extravaganzas (maybe a lunch for Californian Sally Ride and her fellow shuttle astronauts qualified as at least a mini-event), no embarrassments. Just straight-ahead Senate-like business. And low profile all the way.

All this has earned Wilson good reviews, even from Democrats. Says Democratic Congressman Mel Levine of Los Angeles, "He has been low-key and low in visibility, but I think there is some wisdom in that." Levine has worked with the senator on a couple of issues, including a bipartisan push for a moratorium on offshore oil drilling in sensitive coastal areas of California. "He is not a rigid partisan," Levine says, "and I've certainly had a good relationship with him."

So has California's senior senator, Democrat Alan Cranston. It wasn't



that way with Hayakawa. Cranston and Wilson twice made joint appearances last session before congressional committees to promote California interests. At one hearing, Cranston introduced Wilson as "my friend." Cranston and Hayakawa rarely even talked.

"I think we get along very well," Wilson says. "We don't try to change each other's minds where we clearly disagree philosophically, but we do work together very well on issues of major concern to California." Cranston, who campaigned in the fall of 1982 for Wilson's Democratic opponent, former Governor Jerry Brown, says his good relationship with Wilson results partly from "chemistry." Cran-

ston adds: "But (Wilson) is also more experienced legislatively as a former mayor and a member of the Assembly. He knows the give-and-take that's necessary. He's not an ideologue."

Voting record

And while Wilson is effusive in his praise for President Reagan, he has not hesitated to tangle with the administration at times, mostly over environmental issues. The senator, for example, has been pressuring a reluctant Department of Interior to add land known as Sweeney Ridge near Pacifica to the Golden Gate National Recreation Area. And he has persisted in his support for the offshore oil drilling moratoriums, also against the wishes of Interior officials and — politically significant for Wilson — despite protests from the California Chamber of Commerce whose membership is dominated by Republicans. The chamber also opposes Wilson's proposal to designate more national forest land in California as wilderness.

Wilson's voting record shows that, while he is by no means a pariah in the party, he goes his own way from time to time. A *Congressional Quarterly* study of voting in Congress during 1983 shows Wilson voted against the White House position on selected issues 18 percent of the time, and in support 78 percent of the time. Based on another set of Senate roll calls, Wilson voted with his party 90 percent of the time which was even better than the record of Senate Majority Leader Howard Baker of Tennessee, who voted with his party's positions 79 percent of the time. On yet another group of votes that tested the strength of the conservative coalition of Republicans and southern Democrats, Wilson was with them 86 percent.

Wilson has made some good friends

James R. Carroll is a Washington, D.C., reporter for Knight-Ridder newspapers.

in the Senate, including Republican Senators William Cohen of Maine and Alan Simpson of Wyoming. Partisanship doesn't interfere with friendship, either. Democratic Senators David Boren of Oklahoma and Dale Bumpers of Arkansas are also Wilson intimates. And heresy of heresies to many GOPers, Wilson gets on quite well with the liberals' liberal, Democratic Senator Edward Kennedy of Massachusetts. "He's good company," Wilson says of Kennedy. "There are a lot of people around here who are very good company, who enjoy a good story and have a good sense of humor." Wilson even does a Kennedy imitation among close friends. In public, he tells more jokes than he used to, and they often require British accents and the Germanic utterings of Henry Kissinger. They are always a hit.

Travelling man

While Wilson enjoys the collegial atmosphere of the Senate, where each member addresses another as "the distinguished senator," he believes too much talking goes on. He explains that senators may bring up almost any subject on the floor at any time and speak about it at length. Wilson says there is considerable sentiment among the newer senators in both parties to tighten up rules and procedures to

make the Senate perhaps a little less deliberative but more efficient.

While Wilson has been keeping a low profile, he wasn't entirely invisible his first year. A member of the Senate Armed Services Committee, he has already travelled to Europe, the Middle East and Central America for meetings with key leaders. After his Central American trip, Wilson urged major increases in American economic and military aid to the region — several months before the Kissinger commission issued its report with the same recommendation. In an effort to enlarge his role at future meetings in Central America — and, no doubt, to boost his standing among Hispanic voters in California — Wilson has been on a crash course to improve his Spanish.

Wilson also has used the armed services panel to promote California interests. Although the Navy had no plans for building more frigates in 1984, Wilson persuaded his committee and later all of Congress to add one more frigate to the federal budget, thus saving some jobs at Todd Pacific Shipyards in San Pedro. Wilson also joined other Southern California lawmakers in a successful bid to ensure that the reactivation of the battleship USS Missouri would mean two years of

steady work for the Long Beach Naval Shipyard.

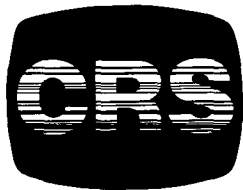
And while mass transit may seem like "exotic" transportation to Governor George Deukmejian and some other Republicans, Wilson had no qualms about personally lobbying colleagues to keep more than \$175 million in the budget for light rail projects in Los Angeles, Santa Clara County, Sacramento and his hometown of San Diego.

Nor has Wilson forgotten California's agribusiness, which forked over a lot of hay for his 1982 election. He has used his influence as a member of the Senate Agriculture Committee on various issues affecting the beef and cotton industries, the wood-producing industry, and growers of rice, pears, beets and cherries. In a much-publicized alliance with senators from other wine-producing states, Wilson co-founded the Wine Caucus whose chief goal is a new law that would require the federal government to retaliate against nations that discriminate against American wines.

All this takes a lot of time, and Wilson was known during his first few months in Washington for working long into the night. At one point, you could have rested pencils in the folds of the circles under his eyes. But his marriage to Gayle Graham in early summer seemed to put a little more balance into Wilson's life. He still works many nights, but he also spends more nights on the social circuit or entertaining at home. Perhaps the ultimate sign the Wilsons "have arrived" is that they are earning occasional mentions in Washington gossip columns. The senator nevertheless can still walk, cigar in the corner of his mouth, unrecognized through the corridors of the Capitol.

On the money raising front, Wilson has set up a state campaign committee, called Campaign California, that has loaned money to the effort to qualify for the state ballot a resolution calling for a balanced federal budget.

Another of Wilson's "Pete PACs," as his staff calls them, is a national committee aimed at helping Republicans seeking federal office. Also called Campaign California, the fund has raised \$139,000 so far, and spread \$106,000 of it among GOP candidates in several states. In fact, Wilson's committee was the largest contributor, with \$10,000, to the recent special-election campaign of Republican Dan Evans of Washington who replaced the late Democratic Senator Henry "Scoop" Jackson. Ever the planner, Wilson has set up yet another committee — the one that will handle his reelection campaign in 1988.



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ON BEING A BIG CITY



By TERRY CHRISTENSEN

San Jose is the fastest growing big city in the United States according to the Bureau of the Census. It's already the 14th largest city in the country and the fourth largest in California; yet it has never inserted itself into the consciousness of people who live much beyond its city limits. Mention San Jose and people say, "The Dionne Warwick song . . . 'Do you know the way?' " Or maybe they've heard of Silicon Valley or remember the medfly crisis.

Because of a big bumper-sticker and billboard campaign, some people know San Jose for the Winchester Mystery House, a bizarre place built by an old lady who thought she'd live as long as the house wasn't completed so kept adding to it. As a result, Sarah Winchester's house wasn't planned; it just grew, rather like San Jose itself.

Other cities have stronger identities. Mention San Francisco, Los Angeles, San Diego or — Gertrude Stein notwithstanding — even Oakland, and people have probably been there or at least know something about them. But what's to say about San Jose?

Local politics is mostly calm and consensual. The hurly-burly and apocalyptic battles that stir up other cities are rare in San Jose. There are no deep, on-going divisions. Getting along is more important than confrontation; work-

ing through the "process" is more valued than the outcome of the process. Once in a while, an electoral contest seems to challenge the status quo, but once the challengers win, they soon seem to work hand-in-hand with the powers-that-be.

The 1974 mayoral race, for example, pitted Janet Gray Hayes, a liberal environmentalist and a Democrat, against Bart Collins, a conservative Republican endorsed by pro-growth factions. Hayes won a narrow victory, and many observers hoped a new era had dawned. But growth continued at the same rapid pace. It was merely better managed.

A 1978 coalition of labor, minorities, neighborhoods and feminists waged a successful campaign to elect city council members by district rather than at-large. The change brought the election of more women and minorities and cut campaign costs, but the impact on policy was negligible. In these, as in almost every election since 1969, San Jose voters have favored liberal, environmentalist and Democratic candidates. That's a big turn-around from the 1940s and 1950s, and yet it's hard to tell if it's made any difference.

Hispanics and women

One group that hasn't benefited is Hispanics. Although they make up about one-third of San Jose's population, poor organization and lack of leadership have kept them from making much of a mark beyond being a reliable constituency for Democratic politicians. Women, on the other hand, have done well enough to earn San Jose the title of "fem-

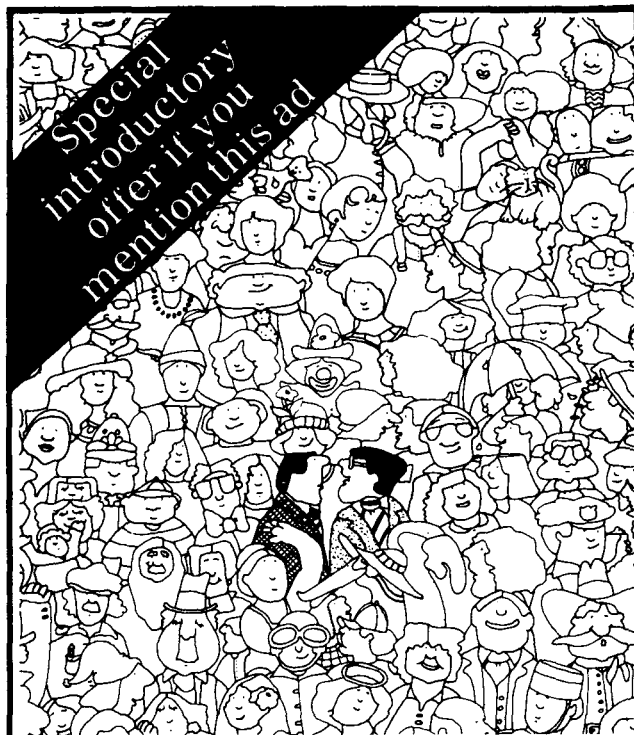
inist capital." A majority of the San Jose City Council and the Santa Clara County Board of Supervisors is now women.

But for all their electoral success, women haven't made much of a difference in public policy. They've pushed affirmative-action hiring and seen to it that the city of San Jose commissioned a study of the "comparable worth" of job categories that are predominantly female (clerical) and male (maintenance).

And although the study found that women were paid less than men for similar work, the female-dominated city council, caught between a budget crisis and their own feminism, balked at doing anything about it. A compromise providing some progress for women workers was finally reached, but only after a strike that left local feminists bitterly disappointed over the lack of leadership by Mayor Janet Gray Hayes.

Hayes was, nevertheless, San Jose's best-known mayor if only because in 1974 she was the first woman in the country to be elected mayor of a big city. But she faded into obscurity after leaving office, and her successor is virtually

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In a way, that's appropriate. San Jose's mayor is among the weakest of California's big-city mayors, unable to hire, fire, veto or control the budget. Until 1967, the mayor wasn't even directly elected. The real power is held by the city manager, the latest of whom, Gerald Newfarmer, was recruited from Fresno. His predecessors came from Cincinnati, Ohio, and Boulder, Colorado. That's the league San Jose plays in.

Big leaguers

True, San Jose sends its political players up to the bigger leagues at the national and state levels. And some of them have done well. Representative Don Edwards, a Democrat, is known as "the congressman from the Constitution" for his vigilant protection of civil liberties as chair of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights. Norman Mineta, a former mayor of San Jose and also a Democrat, moved swiftly into the House leadership after his election in 1974. In the state Legislature, San Jose has even more clout, with Senator Alquist and Assemblyman John Vasconcellos, both Democrats, chairing a key budget committee in each house.

But for all their individual clout, none of the San Jose Democrats has managed to build a statewide base. Alquist, Vasconcellos, Mineta, along with Assemblyman Alister McAlister, have all tried, but without much success. That may reflect on their own personalities and abilities, but it also suggests that San Jose itself doesn't provide much of a launching pad for politicians with statewide ambitions.

Why does this big city rank so small? Probably because it is still so new. Until after World War II, San Jose was just a farm town. But in just 30 years its population soared from 90,000 to over 600,000.

It got big fast and as a result, hasn't quite caught up with itself. Other big cities have grand old families and an identifiable elite that dominate society and politics. Not so San Jose. The old families have faded away. Everybody's new. Only three of 11 members of the city council, for example, are natives.

Not much of significance is locally owned, so business leaders are corporate managers rather than the old rich. They're what sociologist Floyd Hunter calls "corporate nomads." They come; they go, moving up corporate ladders, not much bound to San Jose and not much interested in what goes on there. And they don't stay long enough to make much difference. Of course, San Jose is in the world-famous Silicon Valley, the country's ninth largest manufacturing center. But most of the big electronic companies are north of the city in its nominal suburbs and until recently, the microchip magnates, most of whom don't live in San Jose, haven't taken much interest in the city.

But now the smaller cities of the north are running out of land and industrial expansion is falling into San Jose's lap, making it the emergent capital of Silicon Valley. At the same time, the young electronics millionaires are broadening their interests, looking for ways to invest their fortunes and leave their marks. They're also showing more interest in politics since discovering things like zoning, tax credits and export-import controls. Local, state and national politicians, following in the footsteps of Jerry Brown, have also discovered Silicon Valley, not only as the industrial hope of the western world, but also for campaign contributions.

San Jose thus has the potential to become a political force. For the first time, it's got fat-cat contributors. It's also got a lot of voters. As the city matures, there's a chance it will finally produce a statewide contender and enter the political consciousness of California. A chance, anyway. 🏠

ED ZSCHAU:

The congressman from Silicon Valley

By MARK SIMON

He is bright, articulate and wealthy. He is at home with high-tech electronics, wherein lies — say many — the industrial future of the nation. So impressed is the *San Francisco Chronicle* that it predicts he will be an important national figure in a few years. Although he has yet to complete his first term in Congress, his supporters talk of running him for the U.S. Senate in 1986.

The source of all this glow is Republican Ed Zschau (pronounced “shower” without the “er”). First elected in 1982, he is quite literally the congressman from Silicon Valley. Not only does his district include that heartland of high-tech, but he himself is the successful owner of a high-tech firm.

Always earnest and eager to explain, Zschau would like nothing better than to be known to one and all as just plain “Ed.” “People on my own staff don’t understand. They still hold me in awe,” he complained not long ago. That, along with the straw-colored hair that often droops across his forehead and the midwestern speech full of “gollies” and “gees,” makes him — at age 44 — often seem like a country boy who just arrived in town.

But behind the folksy facade lies an exceptional intellect. Born and schooled in Omaha, Nebraska, Zschau — according to boyhood friends — had read so many books as a child that he



was allowed to skip first grade. The friends also say that young Zschau (whose first name is Edwin) often read to other children at lunch time and in later years was occasionally allowed to take over his science class — with teacher’s permission, of course.

Zschau went East to start his higher education, graduating from Princeton at age 21. Coming West, he spent the next six years at Stanford, earning a doctorate and becoming an assistant professor in the School of Business. He also got married while at Stanford. He and his wife, Jo, have two girls and a boy: Liz, Cameron and Ed, Jr.

But after another year of teaching — as a visiting assistant professor at Harvard — Zschau decided that teaching was good but that practical experience was better. Thus in 1968, at age 28, he founded System Industries, a Milpitas firm that produces memory systems for

minicomputers. Its sales are expected to exceed \$100 million this year.

Composing a career

During the late 1970’s, with his company doing well, Zschau became active in industry affairs. At that time he, like many industry executives, believed that investments in business were being discouraged by a capital-gains tax that was too high. Thus, he became chairman of an industry task force that began lobbying for a tax cut. The effort, which took him to Washington several times, gave him his first taste of congressional politics and made him a working supporter of his then-congressman, Republican Pete McCloskey.

The tax reduction effort succeeded, in part because of — or perhaps in spite of — a distinctively Zschau touch. An amateur on the piano and guitar, he composed a ditty bemoaning the loss of investment incentive and entitled it “The Old Risk Capital Blues.” Then, accompanying himself on guitar, he sang it, recorded it and sent a cassette to every member of Congress.

Through McCloskey, Zschau became increasingly active politically and in 1980 was chosen as a member of President-elect Reagan’s business advisory task force. By 1982, when McCloskey left Congress to run (unsuccessfully) for the U.S. Senate, Zschau was ready for the race to succeed him.

Generally speaking, Zschau’s 12th District lies along the southern end of San Francisco Bay, including not only the Silicon Valley area of Santa Clara County but affluent portions of San Mateo County as well. It is a product of the

Democrats' congressional gerrymander of 1981, created to lump as many Republicans as possible in one place in order to make surrounding territory safer for Democrats.

But Zschau took few chances nonetheless. With a list of supporters that read like a directory of the American Electronics Association and solid support among Silicon Valley executives (who put up about 30 percent of his campaign funds), Zschau easily won the GOP primary. Although his consonant-packed name appeared to generate some voter resistance (he's of German extraction), he outspent his Democratic opponent 10-to-1 and took the seat with 63 percent of the vote.

New drives

Why would a man give up a six-figure income for a job that now pays \$72,200 annually and requires coast-to-coast red-eye flights almost every weekend of the year? According to Zschau, the reason is that many business executives no longer look upon financial rewards as a "driving force." "They are looking," he says, "for some way to put something back into the system."

Not surprisingly, Zschau quickly became the Republican resource on the care and feeding of high-tech industries, an issue that seemed ready for

appropriation by the "Atari" Democrats; that is, Democrats who wanted more government support for these industries. As such, Zschau made it his business to sit in with a congressional subcommittee that was rewriting the Export Administration Act, a measure much disliked by the electronics industry. Zschau helped make several changes in the law and helped its passage through the House last September. Specifically, he lobbied Republican colleagues who feared that provisions that loosened licensing regulations would allow the indirect export of American technology to Soviet-bloc countries.

At the start of his term, Zschau's GOP freshmen colleagues named him to the House GOP's committee on committees, the panel that shapes many a congressional career by deciding which member shall sit on which committee. Zschau came away with a top assignment: a seat on the Foreign Affairs Committee. "I was told that if I didn't get what I wanted there would have been some doubt whether I should have been elected in the first place," he recalls.

However, the assignment thrust Zschau into battles involving some of the biggest issues of the year — not always the best spot for a newcomer. For

instance, Zschau initially voted to continue covert aid to Nicaragua but looked irresolute later by voting to cut it off. Zschau explains that he changed his mind after a visit to Central America last August and September.

He also created some confusion back home with his votes on the nuclear freeze. After campaigning for office as a supporter of the freeze, he cast several votes that appeared to support the Reagan administration position (anti-freeze but supportive of an arms reduction). Zschau contends that a freeze and a reduction are not incompatible but are logical extensions of each other.

Voting his own way

If Zschau is embarrassed by such mind changes and compromises, it doesn't show. Indeed, he seems to take pride in voting his own way regardless of appearances. In another vote last year, he was among those who opposed a \$325 million program to encourage math and science instruction. (Zschau says it's a boondoggle.) The trouble is that the vote was 348-54 the other way. "A politically savvy person might have voted for it anyway. I knew I wasn't going to make any difference. I may be a one-term, but I'm going to do what I think is right," he says.

Zschau's relations with the Reagan administration got off to a poor start as well. As one of several Republican freshmen to visit the president, his opinion was solicited later by a reporter and his quotes appeared in an anti-Reagan opinion piece that was printed prominently in *The Washington Post*. Among other things, Zschau was quoted as saying that the president "doesn't seem to probe people on their views or solicit inputs as you'd think he might." Zschau says now that he behaved naively. But the damage, if any, appears to be slight. He also says that he's felt no repercussions from the White House.

All in all, then, Zschau appears to be doing quite well. In its editorial praising him last December, the *Chronicle* guessed that "Zschau" could be a household word within a few years, and — as mentioned earlier — his friends are talking of a U.S. Senate campaign in 1986.

When asked about his plans, Zschau replies that he has none beyond running again for Congress this year. But, he says, he will know when it's time to move on, just as he knew when it was time to quit the electronics business and begin a career in politics. During his morning shower, he explains, he thinks about the coming day. When he thinks more about some new endeavor than his current job, he knows it's time to try something new.



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UC euphoric over governor's budget

By CARL IRVING

After the applause subsided, Yori Wada, chairman of the University of California Board of Regents, nudged the man beside him. "Governor," he said, "you'd better keep this moment." George Deukmejian returned Wada's smile, agreeing that he had just witnessed a unique event. For the first time in at least 16 years, the regents (at their meeting last January) were thanking a governor for state budget proposals he had made to the Legislature on UC's behalf. No more of the cut, squeeze and trim ordered by Ronald Reagan; no more of the indiscriminate chops allowed by Jerry Brown. Indeed, no more of the wounding slashes of the kind inflicted last year by Deukmejian himself. If the Legislature goes along with the governor's recommendations (and indications are that it will), UC will see its state appropriation boosted nearly 11 percent for the new fiscal year.

In short, euphoria has set in at UC, and it's expected to last a while. Not only did the governor propose new money for next year, but he promised similar proposals in the years ahead. As Berkeley Chancellor Ira Michael Heyman put it, the Deukmejian message took "a sense of gloom and turned it into a sense of real optimism."

According to UC officials, the new mood has produced immediate results. One of the top physicists at the Santa Barbara campus, after hearing about the governor's budget proposals, turned down a chair offered by Harvard. At almost the same time, a young professor — described by his dean at Berkeley as a superstar in computer sciences — rejected a \$110,000 salary offer plus fringes dangled before him by the University of Texas.

(The 19-campus California State University system and the 107 two-year community colleges also received promises of more generous funding from the governor, but not

proportionately as much as has been proposed for UC's nine campuses.)

UC officials say that the gubernatorial rescue has come none too soon. Having suffered \$160 million in state budget cuts over the past four years, the university was in bad shape and getting worse. At Berkeley a third of computer science students were being denied necessary courses for lack of room; construction and maintenance backlogs were at the \$4 billion mark; the student-faculty ratio, an important

measure of quality, had grown 20 percent in 13 years. Last year faculty salaries for the first time dipped below those of state universities in New York, Virginia, Texas and even the Ann Arbor campus of recession-stricken Michigan.

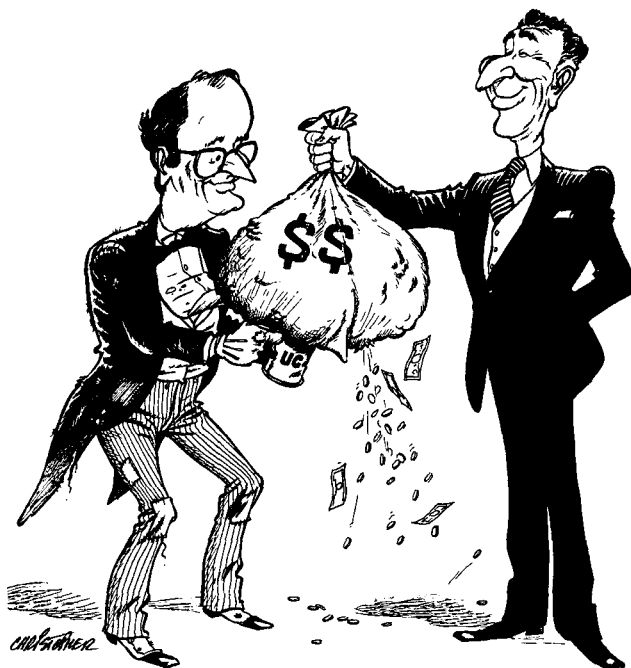
Until recently, Deukmejian had generated little hope for change. Having cut UC's budget by \$115 million for the current year and being the product of small, private colleges in New York state, he gave no sign of sympathy for giant UC. But beginning last fall, the governor's office began to indicate that UC's woes were being heard.

Steve Merksamer, the governor's chief of staff, says that Deukmejian was affected by last year's loss of MCC, a proposed computer-research center that was lured to Texas after having been offered a spot on the UC campus at San Diego (see articles in October 1983 and February 1984 issues of the *Journal*). Also, says Merksamer, during a trip to New York City last year, Deuk-

mejian was asked by several persons: "What's wrong with the University of California?" One official of a New York high-tech firm told Deukmejian flatly, "California is in decline."

But the governor's new attitude was affected by other factors as well, not the least of which was the fact that the state would have extra money to spend. Thanks to the nation's booming economy, state government revenues are expected to leap about \$3 billion in fiscal 1984-85 over the current year. And then there was the third factor: the arrival last September of UC's new president, David Gardner.

According to Merksamer, Gardner and his budget spe-



Carl Irving covers higher education for the San Francisco Examiner.

cialist, UC vice president William Baker, made a "compelling case" for the need to raise UC salaries. Also, he says, Gardner wisely did not press for more next year than the governor could give, telling Deukmejian at one point that UC could afford to wait and have its needs filled over a two-year period. In all, Gardner appears to have impressed the administration most favorably. "He's very knowledgeable and an articulate advocate for the university. He's established an excellent working relationship with the governor, myself, and people in the Department of Finance," Merksamer says.



GARDNER

If nothing else, Gardner's success is a vindication for the board of regents, which hired him last spring from the University of Utah at a salary of \$150,000 a year. Although the regents contended that they were merely paying the market rate, others protested that the salary was excessive, being 60 percent higher than that paid to his predecessor, David Saxon — and making Gardner the highest paid government official in the history of the state. The salary issue is not dead in the Legislature, but chances are much better now that Gardner will suffer no financial harm.

A poised and confident man of 51, Gardner speaks softly and listens well. But he has a good sense of humor and a reputation for working easily with politicians. As such, he contrasts markedly with his two predecessors, Saxon and Charles Hitch, who tended to remain aloof from politicians

at the Capitol. As a result, many of the latter began to resent what they thought was a haughty, elitist attitude at UC, a belief that made cutting UC's budget all the easier for them.

For the rest, Gardner is no stranger to UC. Although he won his undergraduate degree from Brigham Young University in Utah, he grew up in Berkeley and earned his Ph.D. in higher education on UC's Berkeley campus. Later he became an administrator at the Santa Barbara campus, serving from 1964 to 1970. He also served as a vice president of the statewide system from January 1971 through July 1973.

(While at Santa Barbara in the mid-1960s, Gardner formed a friendship with student body president Ken Khachigian, a young man who was to become prominent in the Republican party as chief speechwriter for President Reagan and as friend and advisor to Deukmejian. Last fall, as the governor was making his final budget decisions, Khachigian — who is now an attorney in San Clemente — arranged a private lunch for Gardner and Deukmejian. The only others present were Merksamer and Khachigian, both of whom say that the two-hour session ended in mutual admiration.)

Not all the marbles

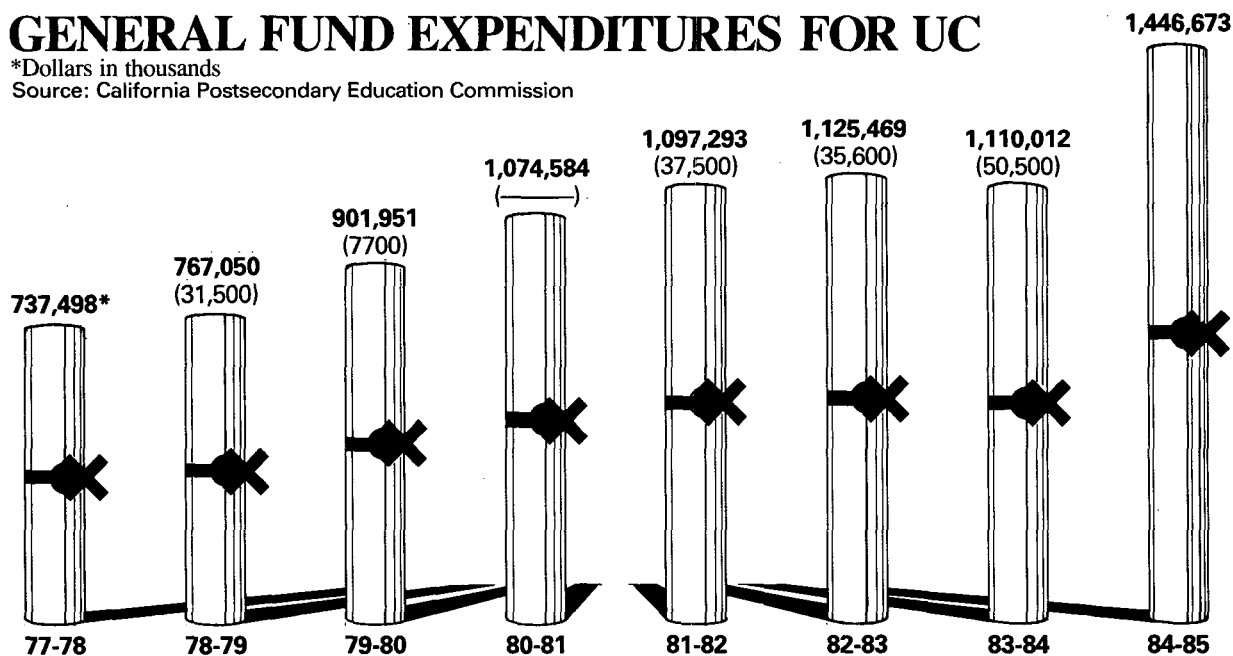
Although you might not know it from all the praise that Gardner and the regents are heaping on the governor, the administration gave the university somewhat less than it initially sought. The governor's proposal for construction was \$4.4 million under UC's \$160.2 million request, and the overall increase of \$341 million includes \$83 million for UC's pension fund. The amount is but a repayment of money the administration took last year and adds nothing to operating revenues.

In addition, the new money for next fiscal year includes \$7 million to reduce student fees by \$70 a year, an item which UC hadn't wanted. Gardner has been saying that

GENERAL FUND EXPENDITURES FOR UC

*Dollars in thousands

Source: California Postsecondary Education Commission



State general fund support for UC has increased in every year but one since voters approved Proposition 13 in June 1978. However, UC officials contend that the amounts have not been enough to cover growth and development. According to Jesse Shaw, UC's associate budget director, the university has lost \$162.8 million in state funds since Proposition 13 was passed. Shaw says that the losses each year (shown in parenthesis) are the differences between what the governor initially proposed in his January budget message for UC and what the university eventually received when the budget was finally adopted in June or July. Additionally, UC — like other state agencies — took a two percent budget cut in each of the years 1981-82 and 1982-83. These cuts (not shown on the graph) were \$22.3 million and \$23 million respectively.

while fees went up too quickly, they are in line with those charged at other state universities. UC would have preferred using the \$7 million for other purposes. Currently, UC fees total about \$1360 annually.

Still, the UC operating budget increases 10.6 percent if the governor's budget proposals are approved by the Legislature, and Gardner says several members of both houses have assured him of approval. Faculty salaries would increase 16 percent (with 13 percent coming from the state) and again become competitive. UC officials note (with pleasure) that the prospective raises have served to cool faculty sentiments for collective bargaining through union organization.

The long period of pared budgets at UC was not without one benefit: The university has begun a more active hunt for private donations. Berkeley, which once left such efforts to rival Stanford University across San Francisco Bay, is enlarging its staff of fund raisers and already has set a \$40 million goal to help build a biological sciences addition to the 50-year old Life Sciences building. The entire project is expected to cost over \$100 million. "There's a tendency now for officials to go to Sacramento and say 'we'll raise so much in private funding if you will match it with a like amount,'" says one Berkeley official.

All of which is not to say that UC's problems are over. Among the most pressing is its relatively slow adjustment to the state's changing population. California's percentage of Hispanics is increasing rapidly, but there has been no such increase among UC students and faculty. The situation has already generated animosity among some minority legislators and — warns Lieutenant Governor Leo McCarthy, an ex-officio regent — things can only get worse unless something is done.

"Demographics and access must be placed on the front burner," echoes Patrick M. Callan, director of the state's Postsecondary Education Commission. "What kind of a state will we have with a white minority having all the educational resources?" he asks.

But, he goes on, the minority community does not seek accommodation for itself by having UC drop its standards,

an action that could reduce the value of a UC degree. "They do want UC to help make sure that the high schools improve, however," Callan notes, meaning that UC must help produce better teachers.

A UC task force is also investigating whether to cut back enrollment at the system's five medical schools because the state has a glut of physicians and other health professionals. According to UC-San Francisco Chancellor Julius Krevans, New York City medical schools, for instance, currently turn out more doctors than does all of California, and many of them come West to practice in the Golden State. Krevans says the question is whether young Californians should be denied medical educations because of competition from out of state.

Additionally, some liberal arts disciplines — such as classics, anthropology and foreign languages — are in serious trouble because of low enrollments. But although only half of one percent of the latest crop of freshmen at Berkeley plan to major in history, and only 3.1 percent in English literature, the traditional standing of such disciplines will preserve them, predicts Neil Smelser, professor of Sociology and chairman of the Berkeley Academic Senate.

However, there is a sign of change. While engineering and business dominate the majors, the latest survey at Berkeley shows a small but perhaps significant tilt back toward social sciences and humanities. The survey also shows some shift from the conservative trend that set in during the late 1970s. Those freshmen designating themselves as "liberal" increased 4.2 percent from the previous year's 30.8 percent.

Not surprisingly, not everyone at UC shares the state of euphoria that dominates the university now. Some ask what happens if the recession returns or if the governor changes his course?

But Berkeley Chancellor Heyman cannot be dismayed. Confident of Deukmejian's support, he believes that the public also wants to see more money spent on higher education. "We had the lead and we squandered it. The legislators are reassuring now. They say it's the university's turn."

ROSTER UP-DATE

Listed below are recent changes and corrections in the **California Journal Roster** published in the February 1984 issue.

Page 2 Governor's Office:

Doug Watts is the public affairs director, not the research director.

Sal Russo is deputy executive director (on leave) 445-6343.

Three special assistants should be listed: Gil Avila (minority affairs) 445-3921; Peter J. McBrien, 445-6131; James W. Robinson (research) 445-1682.

The new director of the governor's Washington office is Karen Spencer, 600 Pennsylvania Ave. S.E., Suite 201, Washington D.C. 20003, (202) 543-6100.

Huston Carlyle is local government affairs director.

Page 2 Board of Equalization

William Bennett represents the 1st District; Conway Collis, 2nd; and Ernest J. Dronenburg, 3rd.

Richard Nevin's correct phone number is (818) 350-6423

Page 6:

The correct telephone number for Senator Pete Wilson's Fresno office is (209) 487-5727.

The correct telephone number for Senator Bill Greene's district office is (213) 620-5600.

Page 7:

The correct spelling of Rep. Martinez' first name is Matthew and his correct district office phone number is (213) 722-7731.

Page 11:

Lockyer replaces Foran on Housing and Urban Affairs.

Page 12:

Add Ciute to Agriculture.

Add Connolly to Consumer Protection and Toxic Materials and correct the spelling of the consultant's name to Peters.

Peter Hansel is the new consultant to the Economic Development and New Technologies Committee.

Drop Felando from Elections, Reapportionment and Constitutional Amendments.

Page 13:

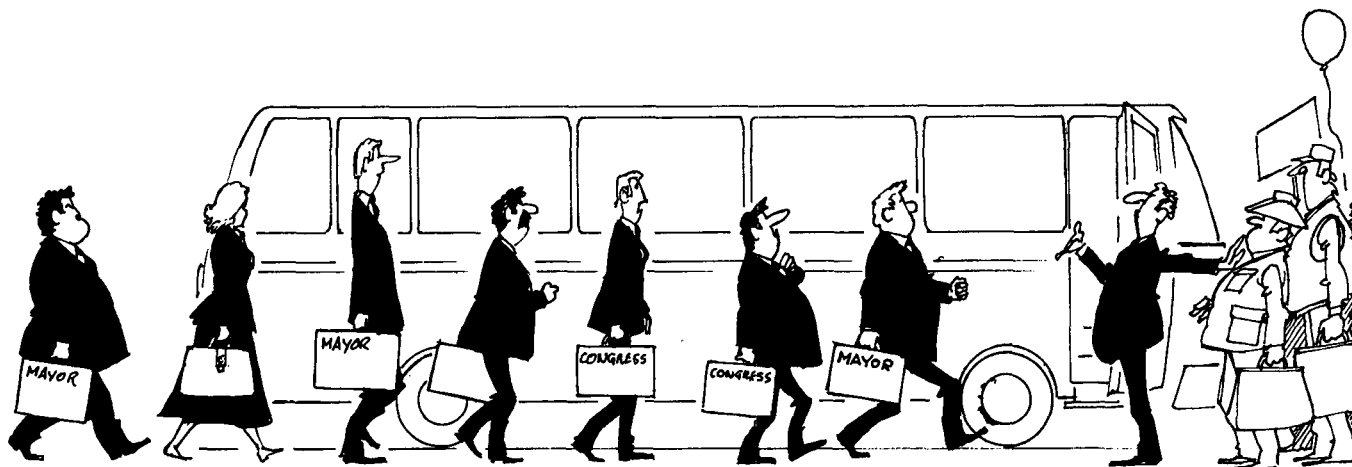
Isenberg replaces Agnos on Rules.

Add Hill to Utilities and Commerce.

Matthew Orr is the new consultant to Water, Parks and Wildlife.

Add Davis and Hill to Ways and Means.

Democrats scramble to meet requirements of new delegate rules



By RICHARD BERGHOLZ

It used to be that the way you got to be a delegate to a presidential nominating convention was to be a big contributor to the party or a big wheel in its political organizations. To some extent, that still applies in California's Republican ranks.

And a long time ago, it used to apply to the Democrats as well. Then the party became more attuned to changing social conditions and steps were taken to remodel the largely-male, mostly-white, middle-and-upper class cast of the delegation. And after the strife-torn Democratic convention in Chicago in 1968 and the triumph of George McGovern in Miami in 1972, the rules were changed drastically to make it possible for the newcomers, the amateurs, the young and the old who otherwise might be shut out, to win their way into California Democratic delegate positions.

But now the pendulum is swinging back in a move aimed largely at keeping fringe candidates out. And if there is anything that points up the new look, the tilt toward establishmentarianism, it's the difficult way the rank-and-file grassrooter gets on the slate, and the easy way members of Congress make it.

All but four of the 28 Democratic members of Congress from California already have been handed delegate positions. But that college kid or retired teacher or shoe salesman who made headlines in the past by getting on the delegation by dint of hard work at a local caucus may find the going harder this time. It's still possible, but difficult.

All of this is what is going on behind the scenes as the various factions in California Democratic circles try to exert control over how California is represented at the San

Francisco conclave next July, and how those representatives vote once they get there.

The new rules provide that 209 of the 345 delegates from California must be elected at the congressional district level — and conform to district residence requirements.

Previously, Californians voted directly for presidential candidates, each of whom was then awarded delegates in proportion to the number of votes he received. But now there is direct election of the majority of delegates — the 209. The remainder are "add ons," to be formally chosen after the June 5th primary.

Who gets to run for a delegate slot? Essentially, the candidates themselves may choose the persons who will appear on the ballot as potential delegates pledged to them. Thus, if a congressional district is to elect six delegates, and all nine Democratic candidates offer six names, voters will have 54 potential delegates to choose from. The six with the most votes go to San Francisco, regardless of which candidate each supports.

However, the rules also provide that candidates may convene congressional district caucuses March 11th to choose the persons to represent them. Both former Vice President Walter Mondale and Senator Alan Cranston, for instance, have said they will use caucuses. But Ohio Senator John Glenn says he will pick his potential delegates himself. The list of district delegates is due from each candidate March 14th.

Mondale has said he plans to try for caucuses in each of the 45 districts. Cranston is aiming for caucuses in at least 35 of them. Senator Gary Hart of Colorado is looking at a limited number in areas where he thinks he has a reasonable chance for success. And the Reverend Jesse Jackson is having his agents assess his chances in some areas.

What all this means is that for a political grassrooter to get to San Francisco, he or she must somehow convince the presidential candidate to put him or her on the official slate that goes on the ballot, and then must get more votes

Richard Bergholz, a freelance writer from Los Angeles, is a frequent contributor to the Journal.

than the competitors on June 5th.

Although the 136 "add ons" are not added formally until after the primary, the rules largely determine the kinds of persons who must be added on. Members of Congress, for instance, are a special case.

The House Democratic Caucus allocated 24 delegate spots to California's congressional delegation. When a drawing was held, only Henry Waxman of Los Angeles, Tom Lantos of San Mateo, Jim Bates of San Diego and Douglas Bosco of Santa Rosa failed to make it.

Options

But consider the options that lie ahead for Waxman, a former state assemblyman who has developed seniority and committee clout in the House:

He has committed himself to Cranston and thus far has shown no sign of backing off on that commitment. He could offer himself as pro-Cranston candidate for a delegate position at the June 5th primary in his district, the 24th. And he would almost certainly win because he wields demonstrable power in his own bailiwick. And even if Cranston were effectively out of the presidential race by the time the primary rolls around, Waxman probably would still win because of his own popularity in his own district. If he won and if Cranston were out of the race by then, Waxman would go to the convention as an unpledged delegate.

But there's another twist to this whole thing. The Mondale supporters, for example, would rather not have Waxman on the ballot as a pro-Cranston candidate, competing with their own pro-Mondale candidates. So they undoubtedly will be inclined to suggest to the congressman that if he just remains off the ballot, they will take care of him after the primary as one of their add-ons.

There's going to be a lot of name-juggling even after the party bigshots and the 209 district delegates are chosen.

That is because the national party has written strict rules about giving all ethnic groups a fair shot at becoming delegates. For instance, the rules now provide there must be exactly 48 delegates from California who are black, 55 delegates who are Hispanics, 21 delegates who are "Asian/Pacific Americans" and three delegates who are "Native Americans." Beyond that, the delegates must be balanced equally between males and females.

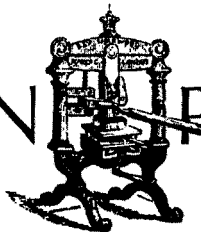
The California Democrats also have their own requirements. After the quotas for black, Hispanics and others have been satisfied, "priority shall be given to insure representation of gay men, lesbians, the disabled, seniors, youth and low-income people." Those are goals, not mandates, and there are no numbers or penalties attached.

Juggling

The quotas clearly show how much juggling is going to be required. For example, there aren't enough women to balance out the men among the important party people already chosen for the delegation. Only six women have been named so far — Congresswomen Barbara Boxer of San Rafael and Sala Burton of San Francisco, Secretary of State March Fong Eu, state Democratic Vice Chair Carmen Perez, and Mayors Dianne Feinstein of San Francisco and Anne Rudin of Sacramento. Men who have made it already are the remaining 22 members of Congress, Mayors Tom Bradley of Los Angeles, Lionel Wilson of Oakland, Tom McEnery of San Jose and Daniel Whitehurst of Fresno, Lieutenant Governor Leo McCarthy, State Treasurer Jesse Unruh, State Controller Ken Cory, Attorney General John Van de Kamp, Assembly Speaker Willie Brown Jr., Senate President Pro Tem David Roberti and Democratic State Chair Peter Kelly.

And members of the Legislature have not even been considered yet.

NEW IN PRINT



Power and Politics in California, by John H. Culver and John C. Syer, John Wiley and Sons, New York, 1984. 2nd ed. 319 pp. (no price listed) Indexed. A well-organized primer on the state's political history, parties and legislative process. Includes special sections on minority politics and case studies of citizen action.

1984 Revenue and Taxation Reference Book, Assembly Revenue and Taxation Committee. Available from Assembly Publications Office, 1100 J Street, P.O. Box 90, Sacramento 95814. 1984. 283 pp. \$11.00 plus tax. A complete guide to the state's tax structure. Includes an analysis of each tax levied and a glossary of tax terminology.

Report of Financial Interests Disclosed By Agency Secretaries, Department Heads and Members of Regulatory Boards and Commissions, Fair Political Practices Commission, 1100 K Street, Sacramento 95814. January 1984. 80 pp. No charge. Lists the financial interests, gifts and income of selected state officials.

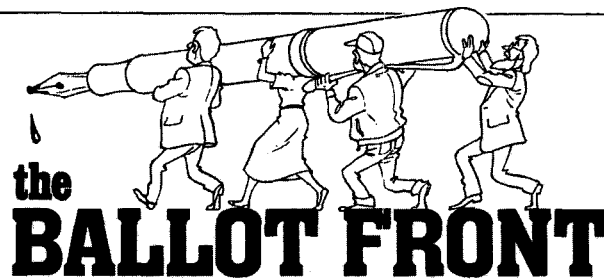
California: Its Government and Politics by Michael J. Ross, Brooks/Cole Publishing Company, Monterey. 1984. 2nd ed. 185 pp. (no price listed) Indexed. Basic textbook approach to the workings of state and local government, political organization and policy issues.

California's Infrastructure, Assembly Office of Research. Available from Assembly Publications Office, 1100 J Street, P.O. Box 90, Sacramento 95814. January 1984. Volume I, 310 pp., \$11.20; Volume II, 204 pp., \$8.90; Executive Summary, 18 pp. No charge. The first comprehensive analysis of the state's public works facilities, prepared by the Legislature, which underscores the neglected upkeep of streets, highways, water and sewage systems and public transit.

The State Has Not Adequately Monitored the Reporting and Evaluation of Consulting Services Contracts, Auditor General, 660 J Street, Suite 300, Sacramento 95814. February 1984. 17 pp. \$2.00. Cites delays in the contract reporting and evaluation process by over half of the state's agencies and departments.

California's Housing: Adequacy, Availability and Affordability, The Rand Corporation, 1700 Main Street, Santa Monica 90406. October 1983. Summary and Conclusions, 23 pp. According to the study, the most serious cause for public concern is not the quality or affordability of housing but some \$24 billion in balloon payments soon due on homes purchased with "creative financing."

Guide to Bay Area Small Claims Courts, Consumer Action of San Francisco, 1417 Irving Street, San Francisco 94122, August 1983, 33 pp., \$2.50. A complete list of addresses and hours of operation for small claims courts in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties. Includes procedures, sample forms and telephone numbers for sources of advice and/or assistance.



A roundup of statewide initiative proposals. (Signatures required and deadlines are in parentheses. To qualify for the November 1984 statewide ballot, all signatures must be submitted to election officials by May 1, 1984.)

New in circulation:

- **WELFARE** — an initiative constitutional amendment that requires most Aid to Families with Dependent Children (AFDC) recipients to participate in a community workfare program to qualify for support. (630,136, June 11th)
- **RENT CONTROL** — an initiative constitutional amendment that prohibits adoption of any future rent-control law but allows all housing now under such controls to remain so until voluntarily vacated. This is the third rent-control initiative currently in circulation. (630,136, June 15th)
- **LOTTERY** — an initiative constitutional amendment that establishes a state lottery where 34 percent of all revenues must be used for public education. This is the 13th attempt to qualify a lottery initiative for a statewide ballot. (630,136, June 15th)
- **REAPPORTIONMENT** — an initiative constitutional amendment sponsored by Governor George Deukmejian that takes all reapportionment out of the hands of the Legislature and places it in the hands of a 10-member commission. Commission would reapportion for the 1986 elections, then after every decadal census. (630,136, June 18th)
- **LOTTERY** — an initiative constitutional amendment that establishes a state lottery with revenues loaned to qualified home buyers. Fourteen attempts, and counting. (636,136, June 25th)
- **CAMPAIGN CONTRIBUTIONS** — an initiative statute sponsored by GOP Assemblyman Ross Johnson of Fullerton that limits an individual's annual contribution to \$1000 per candidate and \$250 per PAC or party; limits annual PAC contributions to \$1000 per candidate; and provides that public funds be given to candidates to match unlimited personal expenditures by opponents. (393,935, June 26th)
- **CAMPAIGN CONTRIBUTIONS** — an initiative statute sponsored by former Legislative Analyst A. Alan Post and former FPPC Chairman Tom Houston that limits the amount candidates can receive from individuals, corporations, PACs, parties or personal funds; and limits the amount candidates can receive in non-election years. Sponsors say they do not intend to pursue this measure. (393,935, June 26th)
- **AGRICULTURAL LABOR RELATIONS ACT** — an initiative statute sponsored by Senate Minority Leader Jim Nielsen of Woodland that replaces the ALRA with the Agricultural Labor-Management Relations Act in order to conform state law with provisions of the National Labor-Relations Act. (393,935, June 26th)
- **OPEN PRIMARY** — an initiative statute that allows a voter to cast a primary election ballot for any candidate, regardless of party affiliation. (393,935, June 26th)

Continuing in circulation:

- **TAXATION** — a constitutional amendment, sponsored by Howard Jarvis, that amends Proposition 13 to close loopholes Jarvis claims have been opened by the courts. A similar petition was withdrawn by Jarvis in October 1983, and this

version is identical to it except for technical changes in language. (630,136, March 19th)

- **GAMBLING AND LOTTERIES** — the 20th attempt to amend the state constitution to authorize lotteries, legalize gambling in selective locales and create a Public Gaming Control Commission. This initiative replaces one that failed in December. (630,136, May 7th)
- **NUCLEAR WEAPONS POLICY** — an initiative statute that requires the governor to write the president requesting that the United States declare that it will not be the first to use nuclear weapons. (393,835, May 7th)
- **TOBACCO** — an initiative statute that requires the state Department of Health Services to establish and conduct tobacco education programs. (393,835, May 7th)
- **PLEBISCITE** — an initiative constitutional amendment that gives the governor the right of plebiscite to call elections to alter or abolish statutory laws. (630,136, May 7th)
- **LEGISLATOR COMPENSATION: BUDGET BILL ENACTMENT** — an initiative constitutional amendment that denies lawmakers all pay and expenses, plus fines them \$200 a day, if the state budget is not passed and submitted to the governor by June 15th of each year. (630,136, May 10th)
- **PRAYER IN PUBLIC SCHOOLS** — an initiative constitutional amendment authorizing prayer in California public schools, including the University of California. (630,136, May 10th)
- **WELFARE-PUBLIC ASSISTANCE PROGRAMS** — an initiative statute that establishes a Public Assistance Commission and limits welfare expenditures in California to the national average, plus 10 percent. (393,835, May 10th)
- **NUCLEAR-FREE ZONE** — an initiative statute that bans certain radioactive materials and any activities relating to nuclear war from California and prohibits the state government from investing in or subsidizing industries preparing for nuclear war. (393,835, May 29th)
- **ENGLISH-ONLY VOTING MATERIALS** — an initiative statute that requires the governor to write the president urging that federal law be amended to specify that all voting materials be printed in English. (393,835, May 29th)
- **RENT CONTROL** — an initiative statute that prevents local governments from regulating rent for units occupied or vacated after 1984. (393,835, May 29th)
- **RENT CONTROL** — an initiative constitutional amendment that forbids local governments from passing more rent-control laws and phases out all existing rent-control laws by January 1, 1990. (630,136, June 7th)

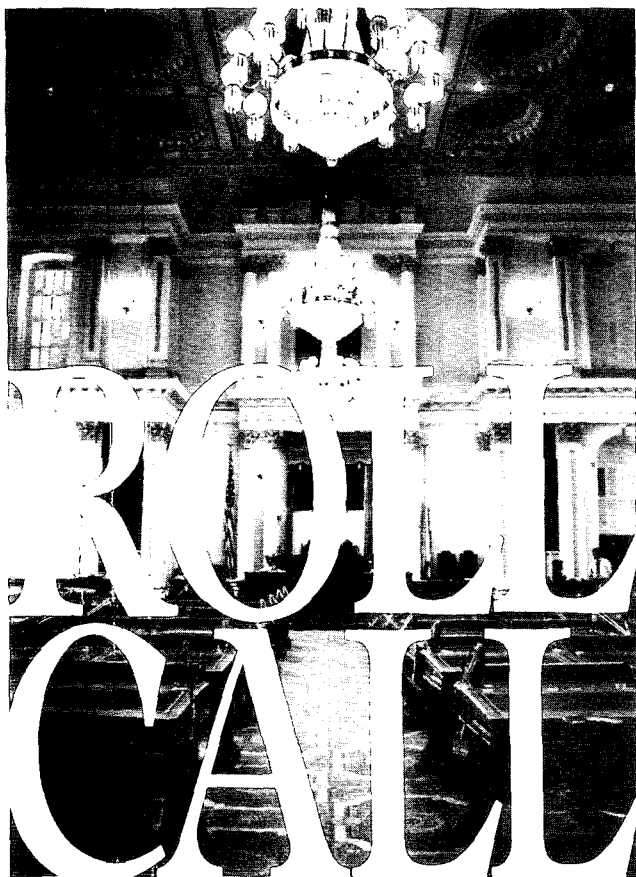
Petitions submitted:

- **BALANCED FEDERAL BUDGET** — an initiative statute that requires the Legislature to send Congress a resolution calling for a constitutional amendment to balance the federal budget. (Signatures submitted to county clerks February 17th)

Failed to qualify:

- **CRIMINAL COURT REFORM** — an initiative constitutional amendment sponsored by former state Attorney General Evette Younger, that affected, among other things, the selection of juries and the number of jurors able to convict in criminal cases not involving the death penalty.

Source: Secretary of State March Fong Eu.



A defeated bill often has more votes in favor than against. This occurs because all bills, on the floor and in committee, need at least an absolute majority to pass. Thus, a bill may be approved 40-28 in the 80-member Assembly but be defeated because it failed to get the 41-vote majority. Urgency, appropriation and tax measures require two-thirds majorities on the floor, as do proposed constitutional amendments and veto overrides.

ASSEMBLY

TAXES

AB 3 (Bates). Imposes a six percent oil severance tax on oil producers and reduces individual taxpayer's income tax. Sponsors contend that the bill's tax increase is offset by a tax reduction. Opponents say the income tax cut provision is designed to embarrass Republicans who vote against the bill. Passed 41-28, Jan. 30th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Condit, Connelly, Cortese, Costa, Davis, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Vasconcellos, M. Waters, N. Waters.

REPUBLICANS FOR: None.

DEMOCRATS AGAINST: Johnston.

REPUBLICANS AGAINST: Bader, Baker, Bergeson, Bradley, D. Brown, Felando, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

DISTRICT OF COLUMBIA

AJR 13 (Maxine Waters). Ratifies proposed amendment to the U.S. Constitution giving representation in Congress to the District of Columbia. Proponents argue that citizens who pay taxes should be represented in Congress. Critics are opposed to giving D.C. residents representation in Congress. Passed 43-33, Jan. 30th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bron-

zan, W. Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Katz, Killea, Klehs, Margolin, Molina, Moore, O'Connell, Papan, Peace, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, M. Waters, Young.

REPUBLICANS FOR: None.

DEMOCRATS AGAINST: McAllister, N. Waters.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Nolan, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

TEENAGED DRIVERS

AB 1155 (McAllister). Imposes a 1 a.m. to 5 a.m. curfew on 16 and 17-year-old drivers. Supporters believe restrictions will reduce serious accidents and save lives. Opponents say it unnecessarily penalizes teenaged drivers. Passed 41-30, Jan. 26th.

DEMOCRATS FOR: Areias, Bane, Clute, Connelly, Costa, Elder, Isenberg, P. Johnston, Katz, Killea, McAllister, Peace, Sher, Tucker, N. Waters, Young.

REPUBLICANS FOR: Allen, Bader, Baker, Bergeson, Bradley, Filante, Frazee, Frizzelle, Herger, Hill, R. Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Mountjoy, Naylor, Nolan, Seastrand, Statham, Stirling, Wright, Wyman.

DEMOCRATS AGAINST: Agnos, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Condit, Davis, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hughes, Isenberg, Margolin, Moore, Moorhead, O'Connell, Papan, Robinson, Roos, M. Waters.

REPUBLICANS AGAINST: D. Brown, Lewis, McClintock, Mojonnier, Sebastiani.

ELECTED OFFICIALS

AB 790 (Elder). Requires local elected officials to disclose financial interests in property or investments anywhere in the state. Sponsors state that local officials should be subject to the same disclosure requirements as other public officials. Opponents say that a local official's statewide financial interests bear little relation to local decision-making. Passed 55-24, Jan. 30th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Goggin, Hannigan, Harris, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAllister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, M. Waters, N. Waters, Young.

REPUBLICANS FOR: Filante, Johnson, Konnyu, Lancaster, Leonard, Mojonnier, Mountjoy, Nolan, Statham, Wyman.

DEMOCRATS AGAINST: Clute, Hauser.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Felando, Frazee, Frizzelle, Herger, Hill, Jones, Kelley, La Follette, Lewis, McClintock, Naylor, Rogers, Seastrand, Sebastiani, Stirling, Wright.

ANIMAL RESEARCH

AB 1735 (Filante). Allows persons bringing animals to a public pound to request that they not be sold or given away for research purposes. Proponents say this bill is a workable alternative to a complete ban on animals sold for research. Opponents state that the bill provides no new safeguards against the disposal of animals for experimentation. Passed 46-23, Jan. 30th.

DEMOCRATS FOR: Areias, Bronzan, Chacon, Clute, Connelly, Cortese, Costa, Harris, Hauser, Hughes, Johnston, Killea, McAllister, Moorhead, Peace, Tucker, Vasconcellos.

REPUBLICANS FOR: Allen, Bader, Baker, Bradley, D. Brown, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

DEMOCRATS AGAINST: Agnos, Alatorre, Bane, Bates, Campbell, Condit, Davis, Elder, Farr, Floyd, Hannigan, Hayden, Katz, Klehs, Molina, Moore, Robinson, Roos, Tanner, M. Waters, N. Waters, Young.

REPUBLICANS AGAINST: Felando.

STUDENT FEES

AB 1xx (Katz). Establishes a standard \$50 per semester fee for

community college students to replace certain miscellaneous fees they now pay. Proponents and opponents agree on the need for increased community college funding, but disagree on the issue of increased student fees. Passed 54-24, Jan. 25th.

DEMOCRATS FOR: Bronzan, Chacon, Clute, Connelly, Cortese, Costa, Farr, Hannigan, Hauser, Johnston, Hertz, Killea, McAlister, Moorhead, O'Connell, Peace, Robinson, Roos, Sher, Vicencia, N. Waters, Young.

REPUBLICANS FOR: Allen, Bader, Baker, Bergeson, Bradley, D. Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonner, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

DEMOCRATS AGAINST: Agnos, Alatorre, Bane, Bates, W. Brown, Calderon, Campbell, Condit, Davis, Elder, Floyd, Goggin, Harris, Hayden, Hughes, Isenberg, Klehs, Margolin, Molina, Moore, Papan, Tanner, Tucker, M. Waters.

REPUBLICANS AGAINST: None.

PRESIDENTIAL PRIMARY

AB 42 (Vasconcellos). Moves from June to March the date of California's presidential primary. Supporters favor the change because the presidential nomination is virtually decided by June. Opponents say two primaries will cost the state more money and contribute to a loss of voter interest in the June primary. Passed 62-15, Jan. 30th.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, W. Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Vasconcellos, Vicencia, M. Waters, N. Waters, Young.

REPUBLICANS FOR: Allen, Bergeson, Frizzelle, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Naylor, Nolan, Sebastiani, Statham.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Bader, Baker, Bradley, D. Brown, Felando, Filante, Frazee, Herger, Lewis, McClintock, Mojonner, Mountjoy, Seastrand, Wright, Wyman.

CAMPAIGN CODE

AB 1206 (Bates). Establishes a code of election campaign practices which may be voluntarily adhered to by political committees supporting or opposing ballot measures. Sponsors say the bill will promote fairness and proper disclosure with respect to ballot campaigns. Opponents argue that the bill will apply to a small number of committees and is not mandatory. Passed 44-32, Jan. 30th.

DEMOCRATS FOR: Agnos, Areias, Bane, Bates, Bronzan, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Davis, Elder, Farr, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Roos, Sher, Tanner, M. Waters, N. Waters, Young.

REPUBLICANS FOR: Bergeson, Bradley, Frazee, Hill Johnson, Jones, Konnyu, Statham.

DEMOCRATS AGAINST: Alatorre, W. Brown, Calderon, Costa, Floyd, McAlister, Peace, Robinson, Tucker.

REPUBLICANS AGAINST: Allen, Bader, Baker, D. Brown, Felando, Filante, Frizzelle, Herger, Kelley, La Follette, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Stirling, Wright, Wyman.

SENATE

ABORTION

SB 709 (Montoya). Requires hospitals performing abortions to post a notice informing medical personnel of their right not to participate. Sponsors argue that the religious and moral beliefs of health personnel must be observed. Critics say the bill sets an unacceptable precedent for selectively practicing medicine. Passed 21-12, Jan. 26th.

DEMOCRATS FOR: Ayala, Carpenter, Deddeh, Foran, B. Greene, Montoya, Presley, Roberti.

REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Maddy, Nielsen, Richardson, Royce, Russell, Seymour.

DEMOCRATS AGAINST: Alquist, Dills, L. Greene, Hart, Keene,

Lockyer, McCorquodale, Petris, Stiern, Vuich, Watson.
REPUBLICANS AGAINST: Marks.

HOMEOWNER RIGHTS

SB 1134 (Richardson). Enacts Home Protection Bill of Rights to protect from prosecution a homeowner who injures or kills an intruder in the defense of his home family or property. Supporters contend that homeowner's rights in this area need to be guaranteed. Opponents claims homeowners will take the law into their own hands. Passed 36-3, Jan. 30th.

DEMOCRATS FOR: Alquist, Ayala, Boatwright, Carpenter, Deddeh, Dills, Foran, Garamendi, B. Greene, L. Greene, Lockyer, McCorquodale, Mello, Montoya, Presley, Robbins, Roberti, Rosenthal, Stiern, Torres, Vuich.

REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Maddy, Marks, Nielsen, Richardson, Royce, Russell, Seymour, Speraw.

DEMOCRATS AGAINST: Keene, Petris, Watson.

REPUBLICANS AGAINST: None.

STUDENT FEES

AB 1xx (Katz). Senate vote on the \$50 per semester fee for community college students. Passed 27-11, Jan. 25th.

DEMOCRATS FOR: Alquist, Ayala, Carpenter, Deddeh, Foran, Garamendi, L. Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Montoya, Presley, Roberti.

REPUBLICANS FOR: Beverly, Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Marks, Nielsen, Richardson, Royce, Russell, Seymour.

DEMOCRATS AGAINST: Dills, B. Greene, Petris, Robbins, Rosenthal, Stiern, Torres, Vuich, Watson.

REPUBLICANS AGAINST: Campbell, Maddy.

GOVERNOR'S APPOINTMENT

Vote on the governor's appointment of David Stirling as general counsel for the Agricultural Labor Relations Board. Approved 25-11, Jan. 23rd.

DEMOCRATS FOR: Boatwright, Deddeh, Foran, Garamendi, L. Greene, McCorquodale, Mello, Presley, Robbins, Stiern, Vuich.

REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Maddy, Nielsen, Richardson, Royce, Russell, Seymour, Speraw.

DEMOCRATS AGAINST: Alquist, Ayala, Dills, B. Greene, Hart, Lockyer, Petris, Roberti, Rosenthal, Torres.

REPUBLICANS AGAINST: Marks.

GOVERNOR'S APPOINTMENT

Motion to reject the governor's appointment of Michael Franchetti as Director of Finance. Passed 17-11, Jan. 3rd.

DEMOCRATS FOR: Alquist, Ayala, Carpenter, Deddeh, Dills, Foran, Garamendi, Keene, McCorquodale, Mello, Montoya, Petris, Roberti, Rosenthal, Stiern, Torres, Watson.

REPUBLICANS FOR: None.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Beverly, Craven, Davis, Ellis, Maddy, Marks, Nielsen, Royce, Russell, Seymour, Speraw.

LEGISLATORS

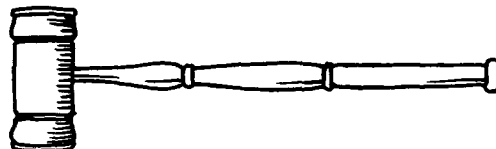
SB 68 (Davis). Limits the right of legislators involved in civil actions to request trial delays and increases the number of days that a lawmaker is available annually for court appearances. Sponsors contend that lawmakers currently abuse this privilege. Lawmakers argue that they often are the targets of frivolous lawsuits. Failed 11-20, Jan. 30th.

DEMOCRATS FOR: Ayala, Hart, Presley.

REPUBLICANS FOR: Davis, Doolittle, Ellis, Johnson (Ind.), Marks, Richardson, Royce, Russell.

DEMOCRATS AGAINST: Alquist, Boatwright, Carpenter, Deddeh, Dills, Garamendi, L. Greene, Keene, Lockyer, McCorquodale, Petris, Roberti, Rosenthal, Stiern, Torres, Vuich.

REPUBLICANS AGAINST: Beverly, Craven, Maddy, Seymour.



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Perspective from WASHINGTON

By Leo Rennert

The winds of change

Not so long ago, when Jerry Brown was governor of California and James Watt churned through federal lands as Interior secretary, their fierce duels over off-shore oil drilling could be counted on to yield high-grade political melodrama. Watt gloried in dismissing concerns of environmental groups and state officials who wanted to curb his gung-ho instincts for development. His brash rhetoric did more than match his deeds; it usually outran them. For his part, Brown relished a bare-knuckles fight. He liked nothing better than to step smartly at the head of the anti-Watt parade, defending California's scenic coastline against Watt's oil-leasing plans. Brown compared his adversary to Russian czars who sold off Alaska to pay war debts. Each man had a marvelous knack for getting under the other's skin; neither knew how to call it quits or had an appetite for accommodation.

NOW, WITH BOTH OUT OF PUBLIC OFFICE, it's a much duller scene as their successors quietly proceed to mop up the blood between Washington and Sacramento. The sharp partisan edge that helped stir such bitter animosity between Democrat Brown and Republican Watt is gone; the new cast is all-Republican. By temperament and party loyalty, Governor George Deukmejian wants a harmonious relationship with the Reagan administration. William P. Clark, Watt's successor, is an old California hand who shuns the limelight and doesn't itch to get into quixotic fights. On Capitol Hill freshman GOP Senator Pete Wilson is asserting himself as a defender of California's coast and works hard to patch up old disputes. His predecessor, Republican S.I. Hayakawa, also took issue with Watt's policies but usually was ignored by the White House. That's not the case with Wilson who has developed good connections with the Reagan inner circle. Dashing antagonists have been replaced by smooth pragmatists. It's a time for healing; not opening new wounds.

Ironically, the final legacy of the Brown-Watt fight over off-shore oil development was a recent U.S. Supreme Court decision that went against California. Splitting five-to-four, the justices agreed with Watt that the states did not have the power to block federal lease sales in areas marked off-bounds in state coastal-protection plans. Brown filed the suit a couple of years ago after exhausting all other means to stop Watt. If Watt were still at Interior, he could have used the high-court ruling as a new vehicle to run roughshod over environmental protests and to open up some of the most scenic stretches of California's coast to oil exploration. Not so with Clark. One day after the court handed down its decision he unveiled plans to scale back Watt's ambitious off-shore drilling agenda and pledged to set up closer consultations with state authorities and environmental groups before leasing decisions are made. Clark also is edging toward California's basic position that drilling ought to be limited to a few promising high-yield areas and that oil rigs should be kept away from other sections where oil and gas reserves are thought to be fairly minimal.

The Sierra Club and other erstwhile Watt critics quickly welcomed Clark's position of reasonableness. Gordon Duffy, Deukmejian's environmental affairs chief, said it was "most encouraging." But after losing so many battles to the Reagan administration, many environmentalists are understandably cautious. They wonder whether Clark is steering a new course or merely making a short-term tactical move to fend them off. Nobody seems to know whether the winds of change at Interior are a temporary election-year breeze or whether they portend real policy changes. Taking no chances, Democratic Congressman Leon Panetta and other coastal-state lawmakers have introduced legislation to reverse the Supreme Court decision and to give states greater leverage over off-shore leasing decisions. Conservation groups also argue that the world oil glut has dampened industry interest in expanded off-shore operations, but the picture could change quickly if there's another supply crunch down the road. They're keeping a wary eye on Deukmejian who has sent conflicting signals about his own environmental views and is leaving much of the detailed negotiations with Washington to subordinates. "The governor's office has been almost a non-player," remarked one congressional staffer. "Until now, Deukmejian has been trying to pay his dues to both sides."

While the long-term implications of Clark's debut at Interior remain clouded in conjecture, it's quite clear that the secretary and the White House have shifted to a new Western strategy to improve President Reagan's reelection chances. Besides doing his best to defuse highly charged off-shore oil disputes, Clark has made other peace offers to California environmentalists. He promised to release funds to build a highway detour to eliminate heavy traffic now rolling through Redwood National Park. In his new budget, the president is loosening the purse strings for acquisition and expansion of parklands — a reversal of Watt's stubborn insistence against enlargement of the federal domain. The Sagebrush Rebellion, which sought to transfer vast chunks of public lands to state, local and private interests, has been put in cold storage.

WHILE EXTENDING AN OLIVE BRANCH to environmentalists, Clark also moved to shore up support among agribusiness interests in California and other parts of the West. Administration proposals to force local interests to pay a bigger share of water-project construction costs have been discarded. After an absence of several years, new construction starts for water development suddenly popped up in Reagan's budget. At the urging of Nevada Senator Paul Laxalt, chairman of the president's reelection committee, Clark asked Congress to liberalize irrigation subsidies to growers in California's Central Valley. It's all part of a grand Sun Belt strategy for November — with California, Texas and Florida as key targets in Reagan's electoral battleplan.

After three years of turmoil and controversy, the spending spigot once more is open and federal largesse is flowing westward. Clark is smiling on both environmentalists and farm interests. For the time being, it's quiet on the western front — exactly what the White House wants. Two gunslingers who loved to kick up a political storm — Brown and Watt — have faded into the sunset.

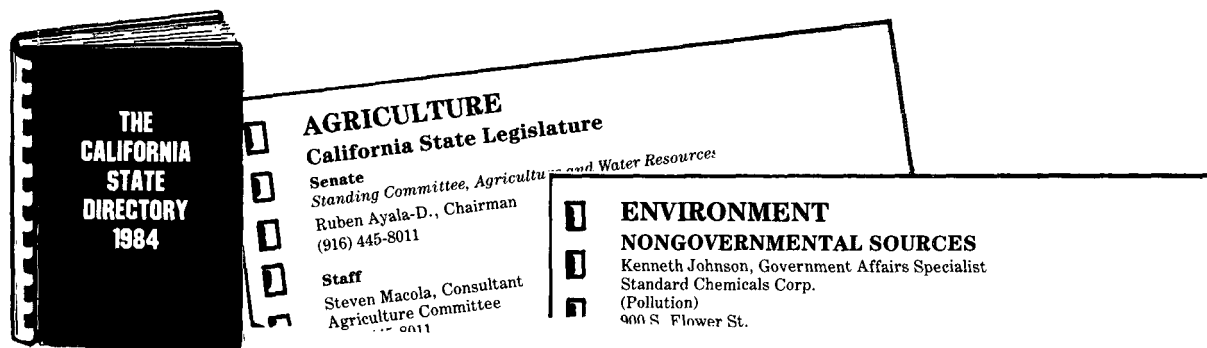


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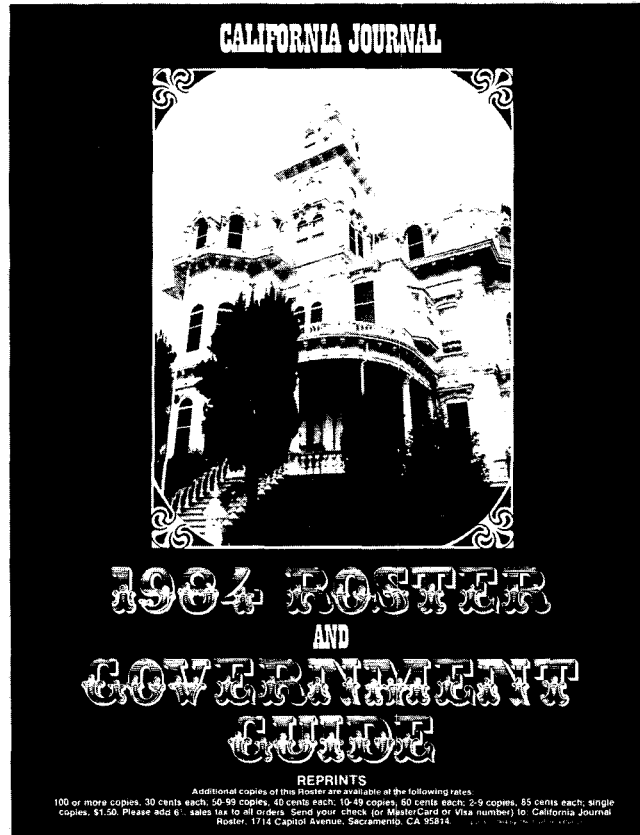
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